

Committee Room,  
Austin, Texas, Feb. 6, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 169 carefully examined and compared, and find the same corrected engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 6, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 7 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Feb. 6, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 182 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Feb. 6, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 67 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,  
Monday, February 9, 1925.  
The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Davis.
Berkeley.	Fairchild.
Bledsoe.	Floyd.
Bowers.	Hardin of Kaufman

Holbrook.	Reid.
Lewis.	Russek.
Miller.	Smith.
Moore of Hunt.	Strong.
Moore of Cooke.	Stuart.
Murphy.	Triplett.
Parnell.	Ward.
Parr.	Wirtz.
Pollard.	Wood.
Price.	Woodward.
Real.	

Absent.

Witt.

Absent--Excused.

Hardin of Erath.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

#### Petitions and Memorials.

The Chair laid before the Senate copy of a joint resolution, from the Legislature of Wisconsin, protesting to Congress against taking of water from the Great Lakes; also a communication from XLI Club at Gainesville urging appropriation for the Gainesville Training School.

#### Reports of Special Committees.

Senator Strong offered the report of the Texas Eleemosynary Commission, provided for by the Thirty-eighth Legislature. (See appendix for the report) it being ordered printed in the Journal.

Senator Fairchild offered the report of Legislative Committee on Forestry, provided for by the Thirty-eighth Legislature. The report was ordered printed in the Journal. (See appendix for the report in full).

#### Simple Resolution No. 33.

By Senator Murphy:

Resolved, That the House be and it is hereby requested to return S. B. No. 175 to the Senate for further consideration.

The resolution was read and lost by the following vote:

Yeas--13.

Bledsoe.	Murphy.
Fairchild.	Price.
Floyd.	Reid.
Hardin of Kaufman	Strong.
Holbrook.	Triplett.
Lewis.	Wirtz.
Moore of Cooke.	

## Nays—15.

Bailey.	Real.
Berkeley.	Russek.
Bowers.	Smith.
Davis.	Stuart.
Miller.	Ward.
Moore of Hunt.	Witt.
Parnell.	Woodward.
Parr.	

## Absent.

Pollard.	Wood.
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## Absent—Excused.

Hardin of Erath.

## Excused.

On motion of Senator Bowers, Senator Hardin of Erath was excused for today on account of important business.

## S. C. R. No. 20.

By Senator Pollard:

Whereas, A Simple House Resolution has been introduced in the House of Representatives providing for an investigation of the contracts and awards made by the Highway Commission of Texas; and

Whereas, Hon. Gibb Gilchrist, highway engineer of the State of Texas, speaking in behalf of Hon. R. M. Hubbard, chairman of the Highway Commission of Texas, and Hon. D. K. Martin, member of the Highway Commission of Texas, not only welcomes an investigation of the Highway Commission of Texas, but urges an investigation of each and every transaction of the Highway Department so that the people of Texas may know of the truth or falsity of certain reports being circulated as to certain contracts and awards made by the Highway Commission of Texas; and

Whereas, In justice to the people of Texas, and the officers of the Highway Commission of Texas, such facts concerning Highway Commission should be duly investigated and published to the people of Texas; therefore be it

Resolved by the Senate, the House of Representatives concurring, that a committee of three members of the Senate be appointed by the Lieutenant Governor of Texas, and a committee of five members of the House of Representatives be appointed by the Speaker of the House of Representatives, said committees to be clothed with full authority to investigate each and every transaction of the Highway Commission of Texas, and said com-

mittees be and are hereby instructed to report their findings to the Senate and House of Representatives.

The resolution was read and Senator Parnell moved that the resolution be laid on the table, subject to call.

Senator Bailey moved that the resolution be referred to the Committee on State Affairs, which motion was adopted.

## Simple Resolution No. 34.

By Senators Stuart, Bledsoe, Witt, Parr, Moore of Hunt, Berkeley:

Whereas, Former Senator D. M. Alexander of Tarrant County is present on the Senate floor; therefore be it

Resolved, That he be extended the courtesy of the floor and invited to address the Senate.

The resolution was read and adopted.

Senator Alexander was escorted to the President's stand and addressed the Senate briefly.

## Bills and Resolutions.

By Senator Bailey:

S. B. No. 262, A bill to be entitled "An Act to amend Article 2820, Title 48, Chapter 15, Revised Statutes 1911, providing for official ballots and other supplies to be furnished in school trustee elections, providing for returns of said elections to be made to the county judge, providing for canvassing said returns and issuing commissions, repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parnell:

S. B. No. 263, A bill to be entitled "An Act to amend Chapter 74 of the Acts of the Thirty-eighth Legislature at its Regular Session entitled 'An Act to amend Section 1 of an Act passed by the Thirty-fourth Legislature of Texas and approved March 22, 1915, creating the Ninth Supreme Judicial District of Texas, the same being Chapter 70 of the Acts of the Regular Session of the Thirty-fourth Legislature and to create the Tenth Supreme Judicial District of Texas and to provide for the organization of a Court of Civil Appeals within said Tenth Supreme Judicial District and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Davis:

S. B. No. 264, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State Government for the fiscal year ending August 31, 1925, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Davis:

S. B. No. 265, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1922, August 31, 1923, August 31, 1924, and August 31, 1925, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Parr:

S. B. No. 266, A bill to be entitled "An Act to amend Section 2, of Chapter 91, of the Acts of the Regular Session of the Thirty-fifth Legislature relating to the organization and time of holding district courts in the Forty-ninth Judicial District of Texas and to amend Section 2 of Chapter 55 of the Acts of the Regular Session of the Thirty-eighth Legislature relating to the organization and time of holding district courts in the Seventy-ninth Judicial District of Texas so as to take Jim Hogg County, Texas, out of said Seventy-ninth Judicial District for the rearranging of the time and terms for holding district courts in the various counties composing said Forty-ninth Judicial District and said Seventy-ninth Judicial District and providing that all process, recognizances, writs and bonds issued, served, executed or entered into, for the district courts in the various counties in said Forty-ninth Judicial District and said Seventy-ninth Judicial District, before this Act goes into effect, shall be returnable to the respective terms of the courts hereby fixed, and providing that all grand and petit jurors selected in any of said counties before this Act goes into effect, shall be legal jurors for the respective terms of the courts fixed by this Act, and providing that this Act shall take effect from and after August the 15th, 1925, and repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Floyd:

S. B. No. 267, A bill to be entitled "An Act authorizing the State Health Commissioner through special inspectors to prevent materials subject to infectious diseases or remaking of bedding and to prevent the sale of bedding so made; providing for the sterilization of second-hand bedding or bedding to be remade or renovated; requiring proper description of the materials used in the making, remaking or renovating of bedding and providing a penalty for failure to make proper designation by the use of tags and providing a penalty for the improper removal, defacing or alteration of such tags; providing revenue for the enforcement of this Act through purchase of tags from the State of Texas; defining a unit of offense hereunder; providing for inspection of manufacturing conditions; providing a penalty for failure to comply with sanitary rules; providing for issuance of a certificate or permit to plants complying with sanitary regulations in the making, remaking or renovating of bedding; providing for information and prosecution and defining a penalty for any violation of any provision of this Act."

Read first time and referred to Committee on Public Health.

By Senator Berkeley:

S. B. No. 268, A bill to be entitled "An Act to amend Sections 1, 3 and 5 of Chapter 163 of an Act of the Regular Session of the Thirty-sixth Legislature, approved April 3, 1919, relating to the advertisement and sale of public free school and asylum land, and adding another section providing for validating sales held by the Supreme Court to be void and other sales; allowing forfeiting owners six months in which to redeem their forfeited land, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Parnell:

S. B. No. 269, A bill to be entitled "An Act to amend Article 1399 of the Revised Civil Statutes of Texas by providing that the assessor of taxes and collector of taxes in counties having within their boundaries a city or cities, other than the county seat, having a population of 20,000 or more may maintain a branch office in said city or cities, with one

or more deputies and providing for the payment of expenses for maintaining said offices."

Read first time and referred to Committee on State Affairs.

By Senator Bledsoe:

S. B. No. 270, A bill to be entitled "An Act amending Acts of the Thirty-eighth Legislature, Second Called Session, Chapter 8, and providing for the reorganization of the Seventy-second Judicial District of Texas, naming the counties constituting the same, and creating and organizing the One Hundred and Sixth Judicial District of Texas, and naming the counties therein; fixing the times and terms of the district courts in the several counties of such districts, and providing for the appointment of a district judge, and a district Attorney for the One Hundred and Sixth Judicial District hereby created; providing that process issued, bonds and recognizances made, and grand and petit jurors drawn before this Act takes effect, shall be valid for and returnable to their several terms as herein set forth; fixing the time of taking effect of this Act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

Morning call concluded.

#### Senate Bill No. 183.

The Chair laid before the Senate, as a special order,

S. B. No. 183, A bill to be entitled "An Act making appropriations for the support and maintenance of the State Government for the two-year period beginning September 1, 1925, and ending August 31, 1927, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Action recurred on the pending amendment, by Senator Wood. (See Journal of February 6 for the amendment in full.)

Senator Davis offered the following substitute for the amendment:

Amend S. B. No. 183 as amended, and by way of substitution of the amendment offered by Senator Wood, by striking out the amendment offered by Senator Wood and inserting in lieu thereof, on page 15 between lines 24 and 25, the following:

#### Bureau of Child Hygiene.

Supervisory nurse .....	\$ 4,200.00	\$ 4,200.00
Traveling expenses, director .....	1,800.00	1,800.00
Traveling expenses, supervisory nurse .....	3,000.00	3,000.00
Itinerant nurses .....	7,200.00	7,200.00
Traveling expenses .....	4,000.00	4,000.00
Chief stenographer .....	3,000.00	3,000.00
Filing clerks .....	3,000.00	3,000.00
Stenographers .....	4,800.00	4,800.00
Maternity home supervisor .....	3,600.00	3,600.00
Traveling expenses .....	2,400.00	2,400.00
Nurses .....	30,000.00	30,000.00
Printing and publishing .....	1,000.00	1,000.00
Postage .....	1,000.00	1,000.00
Stationery and office .....	1,200.00	1,200.00
Telephone and telegraph .....	400.00	400.00
Silver nitrate .....	1,000.00	1,000.00
Contingent .....	1,301.04	1,301.04
Total .....	\$72,901.04	\$72,901.04

This appropriation is made in lieu of the appropriation sought to be made to supplement the Sheppard-Towner Act, and the appropriations here made shall be used only in the event no amount whatsoever is received and accepted under the Sheppard-Towner Act.

The substitute for the amendment

was lost, and the amendment by Senator Wood was adopted, by the following vote:

Yeas—24.

Berkeley.  
Bledsoe.  
Fairchild.

Floyd.  
Holbrook.  
Lewis.

Miller.	Russek.
Moore of Hunt.	Smith.
Moore of Cooke.	Stuart.
Murphy.	Triplett.
Parnell.	Ward.
Parr.	Wirtz.
Pollard.	Witt.
Price.	Wood.
Reid.	Woodward.

Nays—5.

Bailey.	Hardin of Kaufman.
Bowers.	Strong.
Davis.	

Absent.

Hardin of Erath. Real.

Senator Strong moved that the bill be further considered by departments, which motion was adopted.

The departments were called, and where there were no amendments, the next department was called.

Attorney General's Department.

Senator Strong offered the following amendment:

Amend S. B. No. 183 by striking out the figures "\$4,000.00 \$4,000.00," line 32, page 6, and insert in lieu thereof "\$3,600.00 \$3,600.00."

The amendment was read and adopted.

Senator Strong offered the following amendment:

Amend S. B. No. 183, page 7, by striking out the figures "\$40,000.00 \$40,000.00," line 4, and insert in lieu thereof "\$36,000.00 \$36,000.00."

The amendment was read and adopted, by the following vote:

Yeas—16.

Bailey.	Murphy.
Berkeley.	Pollard.
Bowers.	Smith.
Floyd.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Miller.	Wirtz.
Moore of Cooke.	Woodward.

Nays—13.

Bledsoe.	Price.
Davis.	Reid.
Fairchild.	Russek.
Lewis.	Ward.
Moore of Hunt.	Witt.
Parnell.	Wood.
Parr.	

Absent.

Real.

Absent—Excused.

Hardin of Erath.

Senator Strong offered the following amendment, which was read and adopted.

Amend S. B. No. 183, page 7, by striking out the figures in line 12 and insert in lieu thereof the figures "\$62,570.00 \$62,570.00."

Senator Wood offered the following amendment, which was read and lost:

Amend S. B. No. 183, page 7, line 6, by striking out the figures "\$2,500.00" in both columns, and insert in lieu thereof the figures "\$3,000.00" in both columns.

State Board of Control.

Senator Strong offered the following amendment, which was read and adopted:

Amend S. B. No. 183, by striking out the figures in line 8, page 11, and add in lieu thereof the figures "\$2,250.00 \$2,250.00."

State Comptroller's Department.

Senator Wood offered the following amendment, which was read and adopted:

Amend S. B. No. 183, page 19, line 8, by striking out the words "Secretary to Comptroller" and inserting in lieu thereof the following: "Receiving Clerk and Secretary to Comptroller, Chief Clerk and Bond Clerk."

Senator Wood offered the following amendment, which was read and adopted:

Amend S. B. No. 183, page 19, line 17, by striking out the figures "\$2,200.00" and inserting in lieu thereof the figures "\$2,100.00."

Senator Wood offered the following amendment, which was read and adopted:

Amend S. B. No. 183, page 19, line 15, by striking out the figures "\$2,000.00" and inserting in lieu thereof the figures "\$2,100.00."

Senator Wood offered the following amendment, which was read and lost:

Amend S. B. No. 183, page 20, line 17, by striking out the figures "\$2,000.00" and inserting in lieu thereof the figures "\$2,100.00."

Senator Wood offered the following amendment, which was read and on motion of Senator Fairchild tabled:

Amend S. B. No. 183, page 19, by inserting between lines 23 and 24 the following:

Two assistant special warrant clerks \$3,000.00.

#### Department of Education.

Senator Pollard offered the following amendment, which was read and lost:

Amend S. B. No. 183, by striking out words \$3,000.00 in line 14, page 21, and inserting in lieu thereof \$3,600.00.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 79, A bill to be entitled "An Act amending Article 5693, Chapter 2, Title 87, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123 of the General Laws of Texas passed at the Regular Session of the Thirty-third Legislature, relating to notes secured by certain deeds of trust, or mortgages on land, and when the same shall be barred by limitation and providing that powers of sale under deeds of trust or mortgages shall not be executed after the notes secured thereby are barred by limitation, and amending Article 5695, Chapter 2, Title 87, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, General Laws of Texas, passed at the Regular Session of the Thirty-third Legislature and as amended by Chapter 27, General Laws of Texas, passed at the First Called Session of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages, or vendor's liens on real estate, and providing that thereafter said articles shall read as herein, and declaring an emergency."

H. B. No. 89, A bill to be entitled "An Act amending Article 3609, Chapter 29, Title 52, Revised Civil Statutes of Texas, 1911, relating to the management, control and disposition of community property by the wife of a deceased or insane husband, and repealing Civil Statutes of Texas, 1911."

H. C. R. No. 8, A concurrent resolution, relating to compiling and printing legislative manual of the Thirty-ninth Legislature, and printing copies of the constitution of Texas.

H. C. R. No. 11, A concurrent resolution, relating to the Texas Centennial Exposition.

H. C. R. No. 12, A concurrent resolution, relating to Texas Pioneers' Day. Respectfully submitted.

C. L. PHINNEY,  
Chief Clerk House of Representatives.

#### House Bills on First Reading.

The following House Bills were laid before the Senate, read severally first time and referred to appropriate committees:

H. B. No. 89, referred to Committee on Civil Jurisprudence.

H. B. No. 79, referred to Committee on Civil Jurisprudence.

H. C. R. No. 12, referred to Committee on State Affairs.

H. C. R. No. 11, referred to Committee on State Affairs.

H. C. R. No. 8, referred to Committee on Public Printing.

#### Executive Messages.

The Chair here laid before the Senate the following two messages received this morning from the Governor. The messages were read and referred to the Committee on Nominations:

To the Members of the Texas Senate,  
Thirty-ninth Legislature.

Gentlemen: I herewith submit for your advice, consent and confirmation the following appointments:

(1) For State Highway Commission: Hon. Frank V. Lanham of Dallas County for chairman, for the term ending February 15, 1927; Hon. Joe Burkett of Eastland County, for the term ending February 15, 1929; and Hon. John H. Bickett of Bexar County, for the term ending February 15, 1931.

(2) For State Board of Health: Dr. R. W. Noble of Bell County, Dr. M. F. Bledsoe of Jefferson County, Dr. Phil Russell of Tarrant County, Dr. E. L. Rose of Anderson County, Dr. E. L. Laurence of Milam County and Dr. A. H. Braden of Harris County.

(3) For State Reclamation Engineer: B. F. Williams of Kaufman County.

(4) For State Board of Veterinary Examiners: Dr. Ben F. Green of Hopkins County, Dr. M. A. Gleason of Bexar County, Dr. D. F. Kelly of Red River County, Dr. W. R. Sanderson of Brown County, Dr. T. O. Scott of McLennan County, Dr. R. G. Flowers of Tarrant County and Dr. R. W. Rutherford of Young County.

(5) For Commission of Appeals: Judge H. B. Short of Shelby County for the unexpired term of Judge R. H. Hamilton, resigned.

(6) For Board of Regents, State Teachers' Colleges: Hon. A. B. Martin of Hale County, Hon. Henry Paulus of Lavaca County.

(7) For State Board of Public Accountancy: J. J. Gannon of Harris County, V. E. Buron of Bowie County, J. R. Isleib of McLennan County, C. M. Grider of El Paso County, Frank G. Rodgers of Bexar County.

(8) For Judge Forty-sixth Judicial District: Hon. L. P. Bonner to fill unexpired term of Hon. James V. Leak, resigned.

(9) For Board of Regents of the University of Texas: Hon. Edward Howard of Wichita County to fill the unexpired term of Ted Dealey, resigned; Hon. Mart H. Royston of Galveston County to fill unexpired term of L. J. Truitt, resigned; Hon. H. J. L. Stark of Orange County for the term ending 1931; and Hon. Sam Neatherly for the term ending 1931.

(10) For Board of Directors Texas Technological College: Hon. Mose Newman of Nolan County for full term, Hon. Clifford Jones of Dickens County for full term, Hon. H. T. Kimbro of Lubbock for full term, and Mrs. Frank N. Drane of Navarro County for unexpired term ending February 19, 1929.

(11) For State Board of Pharmacy: M. E. Dooley of Hunt County, W. A. Klecka of Bell County, Williford Harrison of Wichita County, A. H. Seeley of Johnson County and Erwin M. Joseph of Travis County.

Yours very truly,

MIRIAM A. FERGUSON,

Governor.

Executive Department,

Austin, Texas, Feb. 9, 1925.

To the Members of the Texas Senate,  
Thirty-ninth Legislature.

Gentlemen: I herewith submit for your advice, consent and confirmation the following appointment:

For Board of Public Accountancy: Lloyd Smith of Dallas County, in lieu of J. R. Isleib of McLennan County submitted through error, whose name I hereby withdraw.

Respectfully,

MIRIAM A. FERGUSON,

Governor.

#### Recess.

Senator Wood moved that the Senate, at 12 m., recess until 2 o'clock today.

Senator Hardin of Kaufman moved that the Senate recess until 2:30 o'clock today.

The motion to recess until 2:30 o'clock was lost, and

The motion to recess until 2 o'clock was adopted.

#### After Recess.

The Senate was called to order by Lieutenant Governor Miller.

#### Senate Bill No. 183.

Action recurred on the pending business, S. B. No. 183.

#### State Fire Insurance Commission.

Senator Strong offered the following amendment, which was read and adopted:

Amend S. B. No. 183, page 24, by striking out all of lines 26, 27, 28 and 29.

Senator Fairchild offered the following amendment, which was read and lost

Amend S. B. No. 183, page 25, line 8, by striking out the word "two" after special, and insert in lieu thereof the word "one."

Senator Davis offered the following amendment, which was read and adopted:

Amend S. B. No. 183, page 26, between lines 12 and 13, by adding: "The three items above, being the appropriation for enforcing the Fire Escape Law, to be paid out of the General Revenue."

Senator Strong offered the following amendment:

Amend S. B. No. 183, page 26, by striking out lines 20 and 21.

The amendment was read and lost.

Senator Fairchild offered the following amendment:

Amend S. B. No. 183, page 27, line 20, after the word "treasury," strike out all of line 20 and all of line 21 and insert in lieu thereof the following: "to the credit of the General Revenue of the State."

Senator Wood made the point of order that the amendment was already included in the statute, which point of order was sustained by the Chair.

Senator Wirtz offered the following amendment:

Amend S. B. No. 183 by striking out the figures \$30,000.00 in both columns, line 4, page 26, and in lieu thereof insert the figures \$20,000.00 in both columns.

The amendment was read and adopted.

Senator Fairchild offered the following amendment:

Amend S. B. No. 183, page 26, line 10, by striking out all of line No. 10.

The amendment was read and adopted, and Senator Davis moved to reconsider the vote by which the amendment was adopted, which motion to reconsider was lost.

Senator Holbrook offered the following amendment:

Amend S. B. No. 183 by substituting the figures "\$20,000.00" in both columns in line 29, page 25, for "\$35,000.00."

The amendment was read and lost.

Senator Wirtz offered the following amendment:

Amend S. B. No. 183 by striking out of page 25 all of line 14.

The amendment was read and lost, by the following vote:

Yeas—9.

Fairchild.	Russek.
Holbrook.	Strong.
Moore of Cooke.	Triplett.
Pollard.	Wirtz.
Price.	

Nays—14.

Bailey.	Murphy.
Berkeley.	Parnell.
Bledsoe.	Real.
Davis.	Reid.
Hardin of Kaufman.	Ward.
Lewis.	Wood.
Moore of Hunt.	Woodward.

Absent.

Bowers.	Parr.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Miller.	Witt.

Senator Fairchild offered the following amendment:

Amend S. B. No. 183, page 25, line 10, by striking out all of line 10.

The amendment was read and adopted, by the following vote:

Yeas—13.

Fairchild.	Moore of Cooke.
Floyd.	Parnell.
Hardin of Kaufman.	Pollard.
Holbrook.	Price.

Real.  
Russek.  
Strong.

Triplett.  
Wirtz.

Nays—10.

Bailey.	Moore of Hunt.
Berkeley.	Murphy.
Bledsoe.	Reid.
Davis.	Ward.
Lewis.	Wood.

Present—Not Voting.

Woodward.

Absent.

Bowers.	Smith.
Hardin of Erath.	Stuart.
Miller.	Witt.
Parr.	

State Highway Department.

Senator Holbrook offered the following amendment:

Amend S. B. No. 183, page 33, line 12, by striking out "\$8,000.00" and inserting "\$6,000.00."

The amendment was read and adopted, by the following vote:

Yeas—14.

Bailey.	Pollard.
Berkeley.	Real.
Fairchild.	Russek.
Hardin of Kaufman.	Strong.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Cooke.	Wirtz.

Nays—7.

Davis.	Parnell.
Floyd.	Reid.
Moore of Hunt.	Wood.
Murphy.	

Absent.

Bledsoe.	Smith.
Bowers.	Stuart.
Miller.	Witt.
Parr.	Woodward.
Price.	

Absent—Excused.

Hardin of Erath.

Excused.

Senator Real here moved to excuse Senator Bowers, on account of a death in his family, which motion was adopted.

Senator Fairchild offered the following amendment:

Amend S. B. No. 183, page 34,



line 23, by striking out the figures "\$75,600.00" and inserting in lieu thereof "\$64,800.00."

The amendment was read and adopted, by the following vote:

Yeas—13.

Bailey.	Real.
Fairchild.	Russek.
Floyd.	Strong.
Lewis.	Triplett.
Moore of Cooke.	Ward.
Murphy.	Wirtz.
Pollard.	

Nays—7.

Berkeley.	Parnell.
Davis.	Reid.
Hardin of Kaufman.	Wood.
Moore of Hunt.	

Absent.

Bledsoe.	Price.
Hardin of Erath.	Smith.
Holbrook.	Stuart.
Miller.	Witt.
Parr.	Woodward.

Absent—Excused.

Bowers.

Livestock Sanitary Commission.

Senator Wirtz offered the following amendment:

Amend S. B. No. 183, by striking out of page 41, all of line 27.

The amendment was read and lost.

Senator Wirtz offered the following amendment:

Amend S. B. No. 183, page 41, by striking out of line 29, both columns, the figures "\$80,000.00," and insert in lieu thereof the figures "\$40,000.00" in both columns.

The amendment was read and lost, by the following vote:

Yeas—9.

Fairchild.	Pollard.
Floyd.	Strong.
Holbrook.	Triplett.
Moore of Cooke.	Wirtz.
Murphy.	

Nays—14.

Berkeley.	Price.
Davis.	Real.
Hardin of Kaufman.	Reid.
Lewis.	Russek.
Moore of Hunt.	Ward.
Parnell.	Wood.
Parr.	Woodward.

Absent.

Bailey.	Smith.
Bledsoe.	Stuart.
Miller.	Witt.

Absent—Excused.

Bowers.	Hardin of Erath.
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Senator Fairchild offered the following amendment:

Amend S. B. No. 183, page 41, line 11, by striking out the figures "\$80,000.00" in both columns and insert in lieu thereof the figures "\$40,000.00" in both columns.

The amendment was read, and Senator Parr moved to table the same, which motion to table was lost, by the following vote:

Yeas—10.

Berkeley.	Parr.
Davis.	Real.
Lewis.	Reid.
Moore of Hunt.	Wood.
Parnell.	Woodward.

Nays—13.

Fairchild.	Price.
Floyd.	Russek.
Hardin of Kaufman.	Strong.
Holbrook.	Triplett.
Moore of Cooke.	Ward.
Murphy.	Wirtz.
Pollard.	

Absent.

Bailey.	Smith.
Bledsoe.	Stuart.
Miller.	Witt.

Absent—Excused.

Bowers.	Hardin of Erath.
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The amendment was lost, by the following vote:

Yeas—9.

Fairchild.	Pollard.
Floyd.	Strong.
Holbrook.	Triplett.
Moore of Cooke.	Wirtz.
Murphy.	

Nays—16.

Bailey.	Parr.
Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Lewis.	Russek.
Miller.	Smith.
Moore of Hunt.	Ward.
Parnell.	Wood.

Absent.

Stuart. Woodward.  
Witt.

Absent—Excused.

Hardin of Erath.

(Pair Recorded.)

Senator Hardin of Kaufman (present), who would vote nay; with Senator Bowers (absent), who would vote yea.

Senator Pollard offered the following amendment, which was read and lost:

Amend S. B. No. 183 by striking out "\$15,000.00" for year ending August 31, 1926, and "\$15,000.00" for year ending August 31, 1927, in line 21, page 41.

Ranger Force.

Senator Wirtz offered the following amendment:

Amend S. B. No. 183 by striking out of page 45, lines 6 to 10, inclusive, and in lieu thereof add the following: "twenty-five men and officers, including longevity pay allowed by an Act of the Thirty-sixth Legislature, for the year ending August 31, 1926, \$21,333.33 and the year ending August 31, 1927, \$21,666.66."

Senator Parr offered the following substitute for the amendment:

Substitute the pending amendment to S. B. No. 183 by striking out all appropriations for "Ranger Force" on page 45 of the printed bill.

The substitute for the amendment was lost.

The amendment was lost, by the following vote:

Yeas—14.

Bailey.	Parr.
Fairchild.	Pollard.
Floyd.	Real.
Hardin of Kaufman	Russek.
Holbrook.	Strong.
Moore of Cooke.	Ward.
Murphy.	Wirtz.

Nays—14.

Berkeley.	Reid.
Bledsoe.	Smith.
Davis.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Witt.
Parnell.	Woodward.

Absent.

Bowers. Wood.  
Hardin of Erath.

The vote being a tie, the Chair, Lieutenant Governor Miller, voted "nay," and declared the amendment lost.

Senator Pollard offered the following amendment:

Amend S. B. No. 183 by striking out the figures "\$500.00" in line 26, page 45.

The amendment was read and lost.

Senator Strong offered the following amendment, which was read and adopted:

Amend S. B. No. 183, page 45, by striking out the following in lines 22, 23 and 24 "and to employ men other than rangers when deemed necessary."

Senator Pollard offered the following amendment, which was read and lost:

Amend S. B. No. 183 by striking out \$20,000.00 in line 28, page 45, and inserting in lieu thereof \$10,000.00.

Senator Wirtz offered the following amendment:

Amend S. B. No. 183 by striking out of line 6, page 45, the words "seventy-five" and insert in lieu thereof the words "thirty," and by striking out of line 10 the figures \$64,000.00, first column, and insert in lieu thereof \$32,000.00, and out of second column \$65,000.00 and insert \$32,500.00.

The amendment was read and adopted by the following vote:

Yeas—14.

Bailey.	Parr.
Fairchild.	Pollard.
Floyd.	Real.
Hardin of Kaufman	Russek.
Holbrook.	Strong.
Moore of Cooke.	Ward.
Murphy.	Wirtz.

Nays—14.

Berkeley.	Reid.
Bledsoe.	Smith.
Davis.	Stuart.
Lewis.	Triplett.
Miller.	Witt.
Moore of Hunt.	Wood.
Parnell.	Woodward.

Absent.

Bowers. Hardin of Erath.

Absent—Excused.

Price.

The vote being a tie, the Chair, Lieutenant Governor Miller, voted "yea" and declared the amendment adopted.

Senator Wirtz offered the following amendment:

Amend S. B. No. 183 by striking out of page 45 the figures on lines 11, 12, 19, 24, 25, 26, 27, 28, 29 and 31, and in lieu thereof add the following:

On line 11, first column, \$1,500.00; second column, \$1,500.00.

On line 12, first column, \$750.00; second column, \$750.00.

On line 19, first column, \$3,750.00; second column, \$3,750.00.

On line 24, first column, \$3,000.00; second column, \$3,000.00.

On line 25, first column, \$3,000.00; second column, \$3,000.00.

On line 26, first column, \$250.00; second column, \$250.00.

On line 27, first column, \$1,250.00; second column, \$1,250.00.

On line 28, first column, \$10,000.00; second column, \$10,000.00.

On line 29, first column, \$2,750.00; second column, \$2,750.00.

On line 31, first column, \$58,250.00; second column, \$58,750.00.

The amendment was adopted by the following vote:

Yeas—14.

Bailey.	Parr.
Fairchild.	Pollard.
Floyd.	Real.
Hardin of Kaufman	Russek.
Holbrook.	Strong.
Moore of Cooke.	Ward.
Murphy.	Wirtz.

Nays—12.

Berkeley.	Parnell.
Bledsoe.	Reid.
Davis.	Smith.
Lewis.	Stuart.
Miller.	Wood.
Moore of Hunt.	Woodward.

Absent.

Witt.

Absent—Excused.

Bowers. Hardin of Erath.

(Pair Recorded.)

Senator Triplett (present), who would vote nay; with Senator Price (absent), who would vote yea.

Senator Parr offered the following amendment, which was read and adopted:

Amend S. B. No. 183, page 45, line 12, by inserting the following: \$500.00 in first column, and \$500.00 in second column.

Senator Wirtz offered the following amendment, which was read and lost:

By adding after line 32, the following:

"Provided, that no part of this appropriation shall be used for salary, expense or maintenance of any part of the State Ranger force when the same are stationed elsewhere than in Travis County, Texas, unless same have been sent from said county in response to a request by the sheriff or commissioners' court of the county to which they are sent."

Senator Fairchild offered the following amendment:

Amend S. B. No. 183, page 44, by striking out all of line 9 to line 28, inclusive, till same is itemized.

The amendment was read and lost.

Senator Pollard offered the following amendment, which was read and lost:

Amend S. B. No. 183 by adding a new section after line 32, page 3, as follows: Expenses for law enforcement: \$65,000.00 for year ending August 31, 1926, and \$65,000.00 for year ending August 31, 1927.

Senator Wirtz offered the following amendment:

Amend S. B. No. 183, page 46, by striking out all of lines 23 and 24.

The amendment was read and lost.

Senator Davis offered the following amendment, which was read and adopted:

Amend S. B. No. 183, page 2, between lines 14 and 15, by inserting the following:

"Carl L. Estes, Sergeant at Camp Stanley, Texas, while in training: Now on State Reserve Corps. To collect and compile information about Texas disabled soldiers, under direction of the Adjutant General, \$1500.00 for each year."

Senator Hardin of Kaufman offered the following amendment:

Amend S. B. No. 183 by striking out entire appropriation for Federal Vocational Education.

The amendment was read, and

Senator Wood moved to table the same, which motion to table was adopted by the following vote:

Yeas—18.

Berkeley.	Parnell.
Bledsoe.	Real.
Davis.	Reid.
Fairchild.	Smith.
Holbrook.	Stuart.
Lewis.	Ward.
Miller.	Witt.
Moore of Hunt.	Wood.
Murphy.	Woodward.

Nays—6.

Bailey.	Parr.
Hardin of Kaufman	Strong.
Moore of Cooke.	Triplett.

Present—Not Voting.

Floyd.

Absent.

Price.	Russek.
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Absent—Excused.

Bowers.	Hardin of Erath.
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(Pair Recorded.)

Senator Pollard (present), who would vote yea; with Senator Wirtz (absent), who would vote nay.

The bill was then passed to engrossed.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 183 put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Davis.	Reid.
Fairchild.	Smith.
Floyd.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Nays—1.

Hardin of Kaufman

Absent.

Price.	Wirtz.
Russek.	

Absent—Excused.

Bowers.	Hardin of Erath.
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The bill was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Absent.

Russek.	Wirtz.
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Absent—Excused.

Bowers.	Hardin of Erath.
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Special Committee Report.

To the Hon. Barry Miller, President of the Senate, and the Hon. Lee Satterwhite, Speaker of the House of Representatives:

We, your joint committee of the House and Senate, appointed to arrange for the presentation and acceptance of the diary of Captain Adolphus Sterns, of Palestine, beg leave to report as follows:

That the ceremony be held before a joint session of the Senate and House, in the Hall of the House of Representatives at 2 p. m. Tuesday, February 10; that the presentation address be made by the Hon. A. G. Greenwood of Palestine, and that the acceptance made by Hon. Norman G. Kittrell, member of the House of Representatives, from Harris County.

HARDIN of Kaufman,  
On the part of the Senate.

JOHNSON,  
On the part of the House.

The above report was read and adopted.

Executive Session.

Senator Strong moved that the Senate go into executive session tomorrow afternoon at 3:30 o'clock.

The motion was adopted.

**Senate Bill No. 123.**

The Chair laid before the Senate, on third reading,

S. B. No. 123, A bill to be entitled "An Act to create a lien in favor of any person, firm or corporation who may furnish any material, apparatus, fixtures, machinery or labor to contractors who contract for public improvements, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 130.**

The Chair laid before the Senate, on third reading,

S. B. No. 130, A bill to be entitled "An Act to amend Article 4186, Revised Civil Statutes of the State of Texas of 1911, relating to filing of accounts by guardians and furnishing certified copies thereof in certain cases, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 133.**

The Chair laid before the Senate, on third reading,

S. B. No. 133, A bill to be entitled "An Act to amend Section 1 of Chapter 16, being an Act of the Regular Session of the Thirty-fifth Legislature, 1917, as amended by Chapter 58, being an Act of the Regular Session of the Thirty-fifth Legislature, 1917, as amended by Section 1, Chapter 139, of the General Laws passed by the Thirty-seventh Legislature, 1921, at its Regular Session, relating to the creation of a juvenile board within certain counties of this State and prescribing the duties and powers of such board, including the appointment by it of probation officers, and providing for the payment of compensation of such officers and allowing the district judges an additional salary to be paid out of the general fund of such county, so as to make such Act to apply to counties containing a city of 40,000 inhabitants or over, and declaring an emergency."

The bill was read third time and laid on the table, subject to call.

**Senate Bill No. 35.**

The Chair laid before the Senate, on third reading,

S. B. No. 35, A bill to be entitled "An Act to amend Article 6901a of Chapter 1, Title 1119 of the Revised

Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98 of the General Laws, Regular Session of the Thirty-sixth Legislature, and as amended by Chapter 184 of the General Laws, Regular Session of the Thirty-eighth Legislature, being an Act to change the designated year upon which is based the assessed valuations of taxable properties affected by the Act to be amended, and relating to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and laid on the table, subject to call.

**Senate Bill No. 64.**

The Chair laid before the Senate, on third reading,

S. B. No. 64, A bill to be entitled "An Act to define, regulate and license real estate brokers, real estate agents and real estate salesmen within the State of Texas, to create a State Board of Examiners to operate in conjunction with the office of the Commissioner of the General Land Office, and providing for the appointment of such examiners and fixing their qualifications, compensation and term of office, and providing certain qualifications of real estate brokers, real estate agents and salesmen before receiving license, and providing for certain license fees to be paid by each applicant for real estate license, and also providing for the giving of bond for the protection of the public from fraud and misrepresentation by such real estate broker, salesman or agent, and providing for the revoking of license by the State Board of Examiners and stating the grounds for such action, and to provide a penalty for the violation of the provisions hereof. Repealing all laws in conflict herewith, and providing that the invalidation by the courts of any section or provision of this Act shall not invalidate any other provision hereof."

Pending.

**Bills Signed.**

The Chair, Lieutenant Governor Miller, gave notice of signing, and

did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 108.  
S. B. No. 186.  
S. B. No. 111.  
S. B. No. 109.  
H. B. No. 122.  
H. B. No. 139.  
H. B. No. 160.  
H. B. No. 152.  
H. B. No. 172.  
H. B. No. 141.  
H. B. No. 5.

#### Adjournment.

On motion of Senator Bailey the Senate at 4:55 o'clock p. m. adjourned until 10 o'clock tomorrow morning.

### APPENDIX.

#### Reports From Special Committees.

By Senator Strong:

To the Hon. Miriam A. Ferguson, Governor of Texas, and

To the Honorable Members of the House and Senate of the Thirty-ninth Legislature.

We, your duly appointed Texas Eleemosynary Commission, beg leave to make the following preliminary report and recommendations. A full, detailed report, including the full reports of the scientific investigators who have studied certain of our eleemosynary institutions under our direction during the past year, will be presented in a few days.

Origin and Purpose of the Commission.—The Thirty-eighth Legislature established the Texas Eleemosynary Commission for the purpose of studying the eleemosynary institutions of the State, in the hope of finding better and more economical methods of conducting the State's eleemosynary institutions and, especially, for the purpose of seeking out means of preventing in future as far as possible dependency and delinquency.

The number of dependents and delinquents and the cost of their care have been increasing alarmingly from year to year, and this increase seemed destined itself to increase in the future. To anyone at all familiar with the facts, it was obvious that our present institutions were poorly equipped and were not meeting the eleemosynary problem at its source at all. Practically no effort was be-

ing made to seek out and remedy or remove the causes of the dependency and delinquency. The State was merely providing asylums, reform schools, poor houses, and penitentiaries to receive and hold the constantly increasing members of human physical, mental and moral wrecks found in our State.

It was felt by the authors of the resolution establishing this Eleemosynary Commission (See Appendix.) that it was high time to seek out in a dispassionate, scientific, and business-like way the causes which were producing this constantly increasing burden of dependency and delinquency, and to make an effort to apply to our eleemosynary problem the best scientific knowledge about the causes, the remedies, the means of prevention of insanity, feeble-mindedness, disabling illness, and criminal tendencies.

Composition of the Commission.—The Commission, composed of two members of the House, two of the Senate, and five laymen appointed by the Governor was called together by Governor Neff November 5, 1923. (Hon. J. G. Strong and Hon. J. W. Thomas were appointed by Lieutenant Governor T. W. Davidson to represent the Senate; Hon. C. E. Beasley and Hon. Jno. F. Wallace were appointed by Speaker R. E. Seagler to represent the House; and Mr. Nat Washer of San Antonio, Mr. Elmer Scott of Dallas, Mrs. Josephine Daniel of Austin, Mrs. Robert Browning of Terrell, and Dr. A. Caswell Ellis of Austin were appointed by Governor Pat Neff. The Commission elected Hon. C. E. Beasley, chairman; Hon. Jno. F. Wallace, vice-chairman, and Dr. A. Caswell Ellis, Secretary.)

The Commission Left Without Funds By the Legislature.—Unfortunately, not a penny of funds was provided by the Legislature for the use of this Commission, not even for postage or the necessary traveling expenses of the members. It was decided by the Commission that nothing would be done at all, unless some National or local philanthropic agency would undertake to furnish the funds and experts necessary to make the scientific studies needed to find what were the actual conditions and problems present. The Commission was unanimous in the opinion that studies made by well-meaning

but inexpert laymen had shown themselves to be quite as apt to be harmful as helpful.

The Complete Eleemosynary Problem of Texas.—A moderately complete survey of the eleemosynary problem assigned to this Commission would involve studies of the following:

1. The two State schools for delinquent boys and girls, the several similar county schools, the juvenile courts, and the various conditions and causes producing delinquency, as well as an investigation of the means of removing the causes and curing the delinquents.

2. The orphan asylums, public and private, the child-placing agencies, illegitimacy, marriage and divorce laws, and other factors involved in producing or remedying juvenile dependency.

3. The hospital facilities, health law, medical service, sick-benefit insurance, old-age pensions, poor houses, homes for aged, and other matters related to dependency caused by ill health or old age.

4. Child labor and child labor laws, provisions for playgrounds and amusement, the work of the schools as a preparation for economic efficiency, medical inspection, mental hygiene in the schools, and schools for defective classes, and similar matters related to delinquency and dependency, both juvenile and adult.

5. The asylums and other provisions for handling the insane and epileptic, the institutions for the care and training of the feeble-minded, and the other factors involved in a rational plan for caring for the mentally sick or defective and for promoting mental health and hygiene in our State.

This Commission Studied Only the Problems of the Insane and Feeble-minded.—In none of the first four fields mentioned above was the Commission able to do any work, because it had no funds with which to work, and was not able to interest private agencies in regarding Texas as an object of charity in these regards.

National Committee for Mental Hygiene and the Buchanan Foundation Supply Funds and Experts.—In the fifth division, the care and prevention of insanity and feeble-mindedness, the Commission succeeded in interesting the National Committee for Mental Hygiene of New York City and the Buchanan Foundation of Texarkana, Texas.

The Buchanan Foundation generously donated \$5,000.00 towards the expense of a mental hygiene survey of 3300 typical Texas school children, and the National Committee for Mental Hygiene contributed more than \$10,000 of its own funds, and planned and executed mental hygiene surveys of the 3300 school children, of the inmates of the penitentiary, of the State school for delinquent boys and girls, of the State orphans' homes, and of the jails and almshouses in eighteen typical counties. In addition, it made a thorough institutional-management survey of the five State asylums, the epileptic colony and the colony for the feeble-minded.

All of these studies were conducted by impartial, thoroughly trained psychiatrists, psychologists, social workers and institution managers, each an expert of national reputation in his line.

Purpose of Surveys Constructive, Not Fault Finding.—It was not the purpose of these experts, nor of the Commission, to merely uncover defects and find fault, but to see what the problems are and how far we are meeting these problems; and to work out a constructive plan for caring for our insane and feeble-minded economically and effectively; and at the same time to get at the causes which are producing insanity and feeble-mindedness and provide means of removing as far as possible in the future such causes.

Eight Months of Scientific Study by Experts.—After about eight months of careful study on the ground by four nationally distinguished experts and their six trained co-workers, the facts about our present care for the insane and feeble-minded are fully in hand, and a plan has been worked out that will in the long run cost less and produce results vastly superior to those now coming from our present methods of caring for these classes. (Dr. Thomas H. Hanes, director of the Division of Mental Deficiency of the National Committee for Mental Hygiene, first met with the Commission on Jan. 15, 1924, and laid out the plans for this mental hygiene survey. He has had the general oversight of all the work, and the selecting of the staff of experts for field work. He also met with the Commission again on Jan. 6, 1925, and assisted in interpreting the data on hand, in planning this report, and in preparing the needed

bills that are presented herewith. (See H. B. No. 249.) The survey of the penitentiary was made by Dr. Ralph M. Chambers, director of the Division for the Examination of Prisoners in the Department of Mental Disease in Massachusetts, assisted by three psychologists and social workers. The institutional survey of the six asylums, the epileptic colony, and the colony for the feeble-minded was made by Dr. Geo. M. Kline, Commissioner of Mental Diseases of Massachusetts. The survey of the 3300 school children was made by Dr. E. V. Eyman of the Pennsylvania State Hospital of Philadelphia, assisted by Dr. H. E. Chamberlain of Bloomingdale Hospital, New York, and by Dr. Katherine Murdock and Miss Coronal Thomas, Psychologists.)

The Jails, Reform Schools, and Penitentiary.—In the penitentiary, the schools for juvenile delinquents and the jails very similar conditions were found. Only from 15 to 32 per cent of the inmates have normal minds; about 30 per cent class as dullards or border line cases; 10 to 30 per cent are feeble-minded; 5 to 10 per cent are crazy; about 4 per cent are epileptic and about 25 per cent belong to the unbalanced, uncontrolled classes called psychopathic and psychoneurotic, who are not crazy but are the cranks, the hystericals, those lacking emotional control, and with other personality difficulties which lead them constantly into trouble. These are the repeaters, having often been convicted, as we found, from four to eight times. Thus, it appears that fully half the inmates of our penitentiary are in need of special mental care and treatment by experts in mental hygiene. The feeble-minded need a special type of manual training by which alone they can be made partially self sustaining and, after that, they need permanent detention and care in an entirely different kind of institution from a jail or penitentiary. The insane need, of course, treatment by specialists in a hospital for mental diseases. The psychoneurotics and psychopathics should have had their difficulties corrected when school children. Then much could have been done by the psychiatrist, the psychologist, and the habit clinic. Now the cases are very hard to handle and most of them will probably continue their careers of crime till the end. Still, something can yet be done, as more than half the jail and

penitentiary population are under thirty years of age, and a large per cent under twenty years of age. Your Commission approves the establishment of a psychiatrist hospital, under a skilled psychiatrist, for the criminal population, as recommended by the Texas Committee on Prisons and Prison Labor; and we shall present for your consideration further along in this report a plan for attacking this serious social menace at its course in the early school days and preventing in future, at an age when it can be done, a large per cent of this crime and accompanying loss. (The expense of the mental hygiene survey of the inmates of the penitentiary was borne jointly by the Texas Committee on Prisons and Prison Labor and the National Committee for Mental Hygiene, and the work done under the auspices of the Texas Committee on Prisons and Prison Labor. As the facts uncovered by the survey were needed to complete the picture of the mental hygiene aspects of our general eleemosynary problem, we have summarized them here. We wish to acknowledge our indebtedness to the Texas Committee on Prisons and Prison Labor and give our hearty endorsement also to the wise plans recommended by them for increasing the effectiveness of our penitentiary system, since a rational handling of the penitentiary problem is one very effective means of reducing the eleemosynary burden of the State.)

The Orphans' Home.—While a complete mental hygiene survey was made of the inmates of the Girls' Training School at Gainesville, of the Juvenile Training School for boys at Gainesville, of the Orphans' Home at Corsicana and Waco, no funds were available to make additional institutional and education surveys needed as a basis for intelligent estimates of efficiency or for rational planning of improvements. Your Commission, therefore, has no recommendation to make with regard to these institutions, except to urge that provision be made for a complete study of these institutions by qualified experts similar to that we have had made this year of our asylums and of the problems of mental hygiene. A very superficial study of the rapidly mounting costs of these institutions, and especially of the obviously antiquated plan of handling the orphan problem makes it seem highly probable that the fail-



ure to study scientifically these institutions and the problem they are intended to meet may cost the State tens of millions of dollars in years to come, just as our antiquated methods of handling the problems of mental health have already cost the State tens of millions, and will inevitably cost tens of millions more of needless expense, even if wiser plans are begun this year, as we hope will be the case. For example, while the numbers in our orphan asylums have mounted rapidly year by year, other communities, using properly managed and supervised child-placing agencies, have greatly reduced their expenses for orphan asylums, and given thousands of children good homes and loving foster parents which are both less expensive to the State and more efficient than any kind of public institution. (The Commission is greatly indebted to Dr. Hastings H. Hart, director of the Department of Child Helping, of the Russell Sage Foundation, and Dr. C. C. Carstens, director of the Child Welfare League of America, for meeting with the Commission and for outlining admirable plans for the study of the reformatories, the orphan asylums, the child-placing agencies, and the juvenile courts. The organizations which they represented generously agreed to bear a large part of the expense of this much needed work, but its own entire lack of funds made it impossible for this Commission to make use of these generous offers. It is greatly to be desired that these studies be provided for in the near future.

**Poor Farms and Almshouses Should Be Abolished.**—The examination of the county poor farms and almshouses brought out the interesting fact that there is not a single poor person among the 148 inmates studied—that is, no one there—is merely poor. These institutions are filled with the following classes: aged people suffering with dementia or some chronic disease that incapacitates them for work, people that are crazy or feeble-minded (over half of the total), together with the little children belonging to these, and a few who are incapacitated for work by tuberculosis or old cases of syphilis. All of these are mixed together in one institution, which is in no way prepared to care properly for a single one of them. The sick should, of course, be sent to the appropriate hospital, and made well to support themselves, the demented and insane

should be cared for in properly equipped asylums, and the feeble-minded should be trained in a school for feeble-minded so as to learn some forms of manual work and then be cared for in an institution that would not allow the women to multiply their kind annually, as is now too often the case as they leave and re-enter these homes from year to year.

In short, our poor farms are doing no useful service whatever, unless it be considered useful to temporarily hide from our sight the aged, the insane, the feeble-minded, the syphilitic, and the tuberculosis and mix them in one house with no proper care of either class, no treatment likely to rehabilitate them, or even to ease their pains efficiently and protect society from them.

Poverty is not a disease or a crime; it results from various kinds of mental or physical incapacities and environmental injustices. The only rational way to handle it is to search out in each case the cause of the trouble and then work on the cause, whether it be disease, insanity, feeble-mindedness, old age, or economic injustice.

Poorhouses are relics of mediaeval ignorance and largely a waste of money. They should be abolished and their inmates sent to institutions suited to their several needs.

#### The Insane and the Feeble-minded.

**Asylums Humanly Conducted. But Inefficient.**—Our investigators found that our asylums were conducted, on the whole, humanely, and probably about as effectively as could be expected under existing conditions. The patients are treated kindly and are on the whole, fairly well nourished and housed. The men and women employed are in the main faithfully struggling with the impossible tasks assigned to them, and are, as a rule, about as competent as we can expect to secure for the wages paid and conditions of service imposed. But anything approximating even moderate efficiency in the problem of handling the insane is out of the question until radical changes are made in the present Texas plan.

**Nothing Being Done for Prevention.**—Our present plan is doing absolutely nothing looking towards the lessening in the future of the rapidly mounting numbers of insane and rapidly increasing cost of caring for them; and, is doing a minimum in the way of curing and rehabilitating those already insane. All of the asylums are

full and there are probably nearly a thousand insane now in the jails, penitentiary, and almshouses, besides large numbers of mild cases still with their families. Each Legislature for many years past has had to enlarge the asylums to empty the jails and almshouses. Unless a change in our plan of handling the insane is adopted, this hopeless, expensive procedure will be repeated indefinitely. But this can be avoided by a more rational system of handling the problem of mental hygiene.

**The Four Primary Essentials of Effective Handling of Insane All Practically Absent.**—All informed authorities on mental troubles agree that the following things are essential to the economic and effective care of the insane.

First—Early recognition.

Second—Careful diagnosis by skilled psychiatrists and psychologists.

Third—Prompt treatment, mainly by means of mental and occupational therapy in the hands of those specially trained to administer these.

Fourth—The use of skilled psychiatric-social workers in hunting out the history of the cases for the use of the psychiatrist in diagnosis and in giving mental treatment, and in following up the cases in the early months of parole to prevent relapse.

Texas is, practically speaking, without any of these four most essential things.

**Early Recognition.**—First: No regular courses and clinics in psychiatry are provided at any medical schools in the State, hence, our general physicians are untrained in looking for and detecting the early stages leading up to insanity at the time when many cases can be prevented; therefore, the chances of early recognition and prevention are lost.

**Accurate Early Diagnosis.**—Second: There are no psychiatric hospitals, except expensive, private ones, in the State, and, hence, an unfortunate person about to lose mental balance must, according to Texas laws, wait until "crazy" and be "convicted" of insanity in a court trial like a criminal, and then sent to an asylum in charge of an officer. After arriving, the patient is given no scientific diagnosis by a trained psychiatrist, because there is not a single specially trained psychiatrist employed in any State asylum. The depressed or excited patient is usually put into the ward with scores of other patients with various stages, or varieties of insanity, driv-

elling demented, ranting maniacs, depressed melancholiacs, and those with varied delusions and in various repulsive stages of mental and physical deterioration. The patient is placed in this awful environment for the simple reason that no psychiatric receiving hospitals for early cases and hopeful cases have yet been provided at our asylums.

**Prompt Treatment Impossible.**—Here, in the worst possible environment for him the patient is left. He will in a few days be looked over, not by a trained psychiatrist, but in most cases by some former general practitioner who was a friend of some Governor and was either missionary enough, or hard enough for a job, to accept \$1,800 to \$2,400 a year as an assistant physician, or by some inexperienced young graduate of a medical school looking temporarily for experience and a little ready cash. There is no social worker to go out and get information from the home, needed for both diagnosis and treatment of the patient, there is no psychiatrist to make the diagnosis, and even the well-meaning young interne or the kindly general practitioner present can give the patient but a casual examination, because he has from 400 to 600 other patients under his care, all of whom the law requires him to see every day. The superintendent, who in no case in Texas is a specially trained psychiatrist, could do little diagnosis if he were, because the burden of the numerous administration duties of a large asylum are about all one man can carry.

The above is, we believe, a fair and an accurate statement of conditions as reported to us by disinterested psychiatrists and institution managers of national reputation. As pitiable as are these conditions, your Commission would place the major part of the blame not upon those in charge, but upon those who are making such conditions unavoidable. How can Texas hope to employ trained psychiatrists for around \$2,000 per year when elsewhere they are paid from \$4,000 to \$10,000; how efficient a mature doctor do you think will give his whole time for long for from \$1,800 to \$2,400 per year; how long do you think a bright, highly trained, young medical graduate will continue to work for that salary and live without any family life in the building with lunatics day and night, week-days and Sundays, as is now required?

**Almost No Mental or Occupational**

Therapy.—Third: There is practically no organized mental therapy along modern lines attempted in any of our asylums; and, of the more than eight thousand patients, only about forty in the asylum at San Antonio receive any organized therapy. In all the asylums, some patients are helped by doing certain parts of the routine work of the asylum. This is valuable but reaches only a few and is in no way a substitute for occupations designed especially for giving the stimulations and diversions needed by particular patients.

No Psychiatric Social Work.—Fourth: There are no trained psychiatric-social workers employed in any Texas state asylum. Therefore, patients are diagnosed with no knowledge of their past history except the meagre and usually useless court record, and such additional information as the insane person himself can give. Then, when the patient has cleared up sufficiently to be paroled, there is no one to see what kind of environment he is going into or to help improve that environment and help the patient adjust again to normal life. For this reason, the sending out of patients is now a more or less blind venture. Many soon have to return again, and many others disappear or get into crime. This makes it impossible to get any statistics worthy of credence as to the numbers cured. Any statistics of cures where there are no means of following up the patients for some time are necessarily entirely undependable.

Present Conditions Not to Be Blamed So Much on Men in Charge as on the System.—Certainly the above conditions are a reflection upon both our intelligence and our humanity, and should not be tolerated. The chief blame should be placed not upon the men and women who are doing the best they can under impossible conditions, unless one should blame them for not having made more vociferous demands even after their very modest requests were turned down.

One Hundred and Forty Thousand Years of Board and Care Already Pledged.—Not only does our common humanity cry out, but every consideration of economy demands radical change. There are now nearly 10,000 insane and feeble-minded in our State institutions. Most of these, largely because of early neglect, are already beyond hope of cure. There are no complete, accurate statistics, but such records as are available suggest that

each of these patients before he dies will have lived at the expense of the State an average of fourteen years. Several have already lived in our asylums for more than fifty years. This means that one hundred and forty thousand years of board and care have to be paid for by the State. As these institutions are costing more than a million and a half dollars per year, there are twenty to thirty millions of dollars already gone or pledged, besides the loss to the State of the productive capacity of ten thousand who are insane and of nearly a thousand more who are caring for them. In the opinion of those best qualified to know, the adoption of the plan we shall now recommend would have saved the State from a third to a half of those monetary losses, to say nothing of the alleviation of unspeakable human woe in thousands of families.

#### Recommendations.

Your Commission would recommend that the following be done at once:

First: Change Name of Each "Asylum" to "State Hospital".—The name of each of the asylums and hospitals for the insane should be changed simply to that of "State Hospital," with the appropriate local descriptive adjective attached. It is a needless injury and humiliation to both patient and family to have to address and receive all mail in care of a "Lunatic Asylum" "or Hospital for the Insane."

Second: Change Commitment Law.—The present commitment law should be so changed, that court, jury trials will be used only when demanded, and so that patients in early stages of threatened mental breakdown may with proper safeguards be received for observation and treatment temporarily, without being officially and legally adjudged insane at all. In order not to place the stigma of legal insanity upon their loved ones, the family now usually delays having a threatened nervous breakdown treated until it is too late to prevent the collapse. A very large per cent of these collapses could be prevented, if taken in time.

Third: Establish small Psychopathic Hospitals Near Medical Schools at Galveston and Dallas.—There should be established a small psychopathic hospital under a skilled psychiatrist and adequate staff at Galveston and a similar one at Dallas. These should be small, with

only about fifty beds each. They should handle only the early stages and the hopeful cases, each for its district, transferring as soon as properly diagnosed all hopeless cases to one of the regular State hospitals for insane.

The staff of these hospitals should provide clinical instruction in insanity for the medical schools located in Galveston and Dallas and thus insure a future supply of Texas doctors capable of recognizing and handling properly the early stages of threatened mental breakdown.

In addition, these hospitals would take care of large numbers of patients in these two large population centers, and by treating them early and near home would by a few weeks or a few months treatment save the State the expense of caring for about 50 per cent of these patients the rest of their lives in an asylum. Experience with such psychopathic hospitals in Michigan, Massachusetts and Maryland has shown that more than half the patients can be restored to useful lives. While the cost per bed of a properly equipped and manned psychopathic hospital is higher than the cost of adding an equal number of beds at one of the present asylums, the saving through increased efficiency is very great. The patients are not sent to the hospitals to be taken care of permanently, but to be cured and sent back. Many even are treated by the staff without coming to the hospital at all. Those that are received usually stay only a few weeks or months. The Boston Psychopathic Hospital with only 110 beds handles about 2,500 patients per year, including the outpatients.

**Fourth: Build Small Psychopathic Hospital as Receiving Building at Each Asylum.**—There should be established at each present asylum, or hospital for the insane, a small psychopathic hospital as receiving station for all new patients and for any old patients that show evidence that they would profit by the special treatment provided in such psychopathic hospital. This building should be entirely apart from the main asylum buildings and so placed that the new and the recovering patients in it would not be brought into contact in any way with the chronic and the hopelessly degenerated cases in the main asylum buildings.

This psychopathic receiving hospital should be in charge of a skilled

psychiatrist and adequate staff, working under the general administration of the superintendent. This psychiatrist would not only hold daily clinics for diagnosis and treatment of both new and old patients, but would give psychiatric training to the present and future members of the hospital staff, and arrange for proper training of the nurses and orderlies—thus greatly raising the morale and efficiency of the existing staff of the asylum. Without some such arrangement as this, there is no visible hope of ever securing early and scientific diagnosis and treatment, or of securing for the salaries we are likely to pay a specially trained staff of either physicians or nurses for our hospitals for the insane.

If the new patients are kept apart in an environment that is hopeful and given scientific treatment, people will not continue to hold their loved ones away until all hope of recovery is lost. If any old patient begins to clear up, as they do occasionally, the chance of final recovery would be greatly increased if he were taken over to such a psychopathic hospital.

The psychiatrists and psychologists connected with these psychopathic hospitals, as would be the case with those in the Dallas and Galveston hospitals suggested above, could also be of service to some patients outside the hospital without burdening the State with the keep of these patients. This is done with the aid of the psychiatric-social worker, about whom we shall speak a little later.

The staffs of these psychopathic Hospitals could also render some aid here, as they do in Massachusetts, to the school authorities in the diagnosis and handling of the problem cases of childhood which now so frequently become the insane and the criminal problem cases of adult life. This work will be referred to more in detail in a later paragraph of this report.

**Fifth: Establish Expert Central Supervising Division Under the Board of Control.**—There should be established under the Board of Control a Division of Mental Hygiene in charge of a highly trained psychiatrist of national reputation and with successful experience in institutional management. The purpose of this division would be to supervise and

co-ordinate in an expert manner the work of all the institutions dealing with mental health and defect.

This psychiatrist would do for the several asylums what the school supervisor and superintendent do for the several schools of a school system. He would help find the expert staff needed at each institution, supervise the plans for training the several local staffs, for the keeping of records, the holding of clinics, and the other strictly professional aspects of asylum work, with the view of promoting efficiency.

There should also be a business department under the psychiatrist working in this division. This department would similarly supervise the business management of the several institutions. It would install uniform and more adequate keeping of accounts, such as stock and waste accounts; provide dietetic surveys and work out better balanced and more economical dietaries; provide expert advice on gardening and trucking and dairying with the view to producing a much larger part of the food consumed and giving more of wholesome occupation to patients who need it; and collect from those families that are able to pay such part of the expense of the care of their insane as is fair and in accordance with the law of the State.

Massachusetts Saves a Million Dollars a Year by Work of Central Board.—Massachusetts by a similar central division has not only greatly improved her hospital work, but now raises about \$800,000 per year from the well-to-do families of the insane. The appreciation required for food there was cut \$250,000 per year by the changes made as a result of the dietary studies.

Texas Could Save Several Hundred Thousand.—This commission is convinced that such a central, supervisory Division of Mental Hygiene, if properly manned as recommended above, would not only pay all of its own expenses but would save and turn over to the State several hundred thousands of dollars per year. Its greatest value would, however, be in the increased efficiency of the institutions through better direction and co-ordination of effort.

This Division of Mental Hygiene should be given wide authority and held responsible for results, and not hogtied by well-meant but handicapping restrictions and regulations placed upon them by the inexpert.

For example, unless the Board of Control is allowed to pay a salary large enough to command the services of a real expert of national reputation as head of the Division it would be better not to establish the Division at all. Having such an expert to direct this highly technical work, it is absurd for the inexpert to tie him up so that he cannot make use of his intelligence and training.

Sixth: Need for More Mental and Occupational Therapy and for Psychiatric-Social Workers.—If the above five things are properly provided for, nearly everything else needed will be taken care of by these much better than it is possible for a temporary, inexpert Commission of Legislative Committee to do. If the above are not provided for, it makes little difference what else is done. The matters that we shall next mention are given here for the information of the Legislature as we believe that they can be better cared for by regulations coming from the proposed Division of Mental Hygiene than by special legislative enactment.

The work of our asylums will be seriously defective until adequate provision is made for mental and occupational therapy, and psychiatric-social work. These are so closely related that we shall treat them together very briefly. Modern studies of the insane have greatly improved our knowledge of how insanity is caused. It is still recognized that much insanity is caused by actual injury from disease or otherwise of the brain, which can be handled, if at all, only by surgical or definite medical treatment aimed at the producing cause. But it is also recognized now that there are definite mental complexes or "splinters" which, figuratively speaking, get stuck into the mind, and cause injury there, and need to be removed by mental treatment as definitely as we need to pull splinters out of our body. In order to give such mental treatment most effectively, it is necessary to know what idea or complex it is that has caused the trouble. Also, before sending the patient back to the world, it is necessary to know what environment he is going into and to see to it that he does not go straight into the very circumstances that started the trouble before.

For this work the psychiatric-social worker is used by the psychiatrist in securing the needed in-

formation about the history of the patient's trouble and in preparing the environment for his reception on return and in helping patient and family to adjust wisely. Undoubtedly the psychiatrist-social worker should be introduced into our asylums, but this can be taken care of by the budget and needs no further law.

Another contribution to the treatment of insanity which has been developed enormously, especially since the World War, is occupational therapy, or the use of occupations as a means of helping along the cure of mentally sick patients. The occupations are used both for providing mental and physical diversion, which are badly needed, and for stimulating the use of certain nerves or certain functions that may be in especial need of exercise. Occupational therapy has proven its value both in the care and the cure of the insane and should be provided for in our State asylums and hospitals to the fullest extent. This also needs no law, as it can be taken care of in the budget.

Seventh: Experimental County Units for Handling Problem Cases in Public Schools.—The above measures are aimed primarily at adults. The better knowledge gained in recent years has shown that much insanity, inefficiency, and criminality of adult life had its beginning in days of early childhood, and if treated then by proper hygiene, mental and physical, would have been cured, instead of being allowed to develop into mental or moral disease.

Child-Guidance Clinics.—Some of the more progressive states and communities are now providing means for taking in hand in time those children who are starting on the road toward psychoneurosis, insanity, or criminality and careers in one of more State institutions. Massachusetts attempts to provide care for the whole State. Most other provisions are of a local nature. The city of Dallas has in its Child-Guidance Clinic one of the outstanding organizations of its kind in America. In Massachusetts it is required by law that all children in school three years behind their proper grade shall be reported to the State Division of Mental Disease, as their central division is called. A psychiatrist and psychologist and social-worker, either from the division headquarters or

from a neighboring asylum, soon visit each town and examine each case reported and also any special school problem cases even though they may not be three years behind grade.

In this way, the feeble-minded are culled out and sent to a school prepared to handle them; or, where there are enough to justify it, a special room and special teacher and equipment are provided in the school system to take care of those locally and relieve both them and the regular classes. Those children needing operations for adenoids or gland treatment or other medical or surgical aid to normal development are turned over to the proper local authority for this. The "queer ducks," the psychopaths and psychoneurotics, who need different kind of control are studied individually. The home is studied and parents are informed and, as far as possible, educated as to the handling of these uncontrolled, unbalanced, unstable cases. The case is put in the hands of the local child-guidance clinic. Sometimes parent and child report regularly for some time to this local child-guidance clinic. It may at times even be necessary to take the child temporarily out of his home. Whatever is necessary and possible is done now by the local child-guidance clinic to carry out the work begun by the State psychiatrist.

The reports of the results of this examination of problem cases among school children and the treatment of these by local child-guidance clinics show that much good is being accomplished by this means in the direction of saving to society many useful men and women who otherwise would have almost certainly developed into criminals or asylum inmates.

Texas is so large, the needed cooperating agencies so few, and methods of handling this work in a primarily rural state are so undeveloped that your Commission does not feel justified at this time in recommending the adoption in Texas of a plan similar to that in operation in Massachusetts. However, if we propose ever to work out an efficient and economical plan of handling the problems of delinquency, dependency, and mental disease at their source, we must find a way to catch in childhood the children who are then starting the habits and psychoses that will lead to insanity and criminality. Waiting for some other rural state to learn how and then show us is both an ignoble acknow-

ledgement of inferiority and a sure way to postpone the solving of our own problem till millions of money are lost forever by our inefficiency. Your Commission, therefore, recommends that a small sum be set aside to be granted to any county that will give an equal amount to start an experimental unit which should have for its purpose the provision of medical and mental inspection of the entire public school system of the said county, and the provision of a child-guidance clinic at the county seat or some suitable place for directing the treatment of such problem children as are found in the public schools.

**Texas Can Show the Way.**—No state has yet attempted to work out a system of giving the benefits of the science of mental hygiene to the small-town and rural population of a county. Child-guidance clinics are scattered from Boston to San Francisco, but all are in the cities. The mental examination of the 3300 rural school children in eleven different counties in Texas, and the experience of the Dallas clinic give Texas a preparation for attacking the problem that is unique. The members of your Commission who followed the work of the traveling unit for three months in Texas believe that a feasible plan can be developed for placing child-guidance clinics in some town in each populous county, with a group of experts who go out and inspect schools and cooperate with the teachers and parents through advice, habit clinics and otherwise in handling problem cases among the children before they are lost forever. Our study showed that not less than six per cent of the rural school children of Texas need serious attention, while many more would greatly profit by it.

It is not the view of this Commission that either now or in the future the entire expense of this work should be borne by the State. It is our view that the State must, and should, cooperate with a few of the more progressive counties now in working out an effective and economical plan of giving the benefits of skilled help to the teachers and parents in handling the problems of mental hygiene in the schools of a primarily rural State. Here is a great opportunity for Texas by the investment of a few thousand dollars to render a great service to her own people and to the world. The details of such a plan should be left to be worked out by the proposed Di-

vision of Mental Hygiene, working in cooperation with the Department of Education.

**Bills Have Been Prepared by the Commission.**—In order to facilitate any effort to carry out the recommendations herein made, your Commission has had drawn bills which we believe embody in the most advantageous way possible the recommendations made. These bills are placed in the hands of the two members of this Commission who are serving in the Thirty-ninth Legislature, and are presented for your consideration in H. B. No. 249.

**Eighth: Prevention.**—All of the above recommendations have to do mainly with the more efficient and economical handling of mental disease and defect after these have appeared. We believe that by the adoption of the measures recommended above the State will in future be saved millions of dollars of needless expense that will be piled up if the present plan of handling mental disease and defect is continued. In addition, this new plan will save to society thousands of useful citizens who would otherwise spend their days in our insane asylums, poorhouses, jails and penitentiaries. But the above plan does not solve the problem of preventing the transmission to future generations of insanity, or of weaknesses that make insanity easy to acquire.

**Sterilization Laws and Marriage Laws.**—Your Commission has made every investigation that was in its power handicapped as it was by lack of funds, to discover effective means of preventing insanity. From the half dozen experts of national reputation and wide knowledge and experience whom we have consulted, we have received no definite aid. It would seem that rigid sterilization laws and marriage laws should offer the greatest hope. Yet the only point on which all the experts agree is that sterilization laws now in force in several states are admitted failures. There is still doubt about the constitutionality of such laws, but there is no doubt about the unenforceability of them in the very cases in which enforcement is most needed; that is, in the cases of the good-looking, attractive, and financially or socially prominent. Your Commission feels that this matter needs further study before anything is done. What is said about sterilization laws holds also with regard to marriage laws. Both of these need more study than this Commission has been able to give them. As such laws

seem so obviously reasonable, we believe they should not be abandoned merely because of early failure at enforcement. A more careful study should develop means of public education that would make possible both the enactment and enforcement of reasonable laws to restrict the propagation of insanity.

Your Commission is neither recommending for nor against such laws. It has to report only that it has not found a single informed expert who thinks any present law is a success, or has any form of such law to offer which he believes will succeed until the public has been better educated on such matters. In this as in everything else, social betterment must wait upon the better education of our citizenship.

Ninth: The Work of the Commission Should Be Continued.—Your Commission regrets that it has been unable to cover more than one small division of the work assigned it. With little more than a year's time in which to work and with absolutely no funds for necessary expenses at its disposal, it was not possible to do more. This Commission has raised and expended nearly twenty thousand dollars in investigations, the detailed reports of which will be transmitted a little later. It has paid its own traveling expenses and telegraph bills and no member has received directly or indirectly a penny for his or her services.

We would respectfully recommend that the same kind of careful study be made of the other eleemosynary problems that we have made of the problems of mental health, and that for this purpose the Texas Eleemosynary Commission be re-established by the Thirty-ninth Legislature and given such personnel and funds as are needed to carry out its important work.

Expression of Appreciation.—Your Commission wishes to express its appreciation of the very cordial cooperation given to it in its work by Governor Pat Neff, the members of the Board of Control and the officers of the several State institutions involved.

Respectfully submitted,  
C. E. Beasley, Chairman.  
Jno. F. Wallace, Vice-Chairman.

A. Caswell Ellis, Secretary.  
Nat. M. Washer.  
Josephine Daniel.  
Elmer Scott.  
Annye Childress Browning.  
J. W. Thomas.  
J. G. Strong.

Texas Eleemosynary Commission.

#### Report of Committee on Forestry.

By Senator Fairchild, Chairman.

Austin, Texas, Jan. 12, 1925.

The Governor of Texas and Thirty-ninth Legislature:

The Committee appointed by the Governor in pursuance of Resolution Number 13 passed by the Senate of the Thirty-eighth Legislature, and directed to institute an inquiry into conditions affecting the timber supply of the State, and to submit recommendations for the conservation of our timber resources and for the establishment of a constructive forestry policy embracing provisions for the reproduction of timber upon a commercial scale on our deforested lands, respectfully present the following report and recommendations:

#### The National Forestry Situation.

In connection with a review of the timber resources of Texas, a brief outline of commercial forest conditions throughout the United States will be found not only interesting but as carrying some very pertinent lessons to our people. The continental United States is estimated to have had originally an area of 822,000,000 acres of timber land. Of this vast territory it is estimated that but 138,000,000 acres of the virgin growth now remain. This virgin timber, especially the softwood species, is being used at least eight times as fast as new growth is replacing it. Approximately 250,000,000 acres are estimated to have a second growth of timber of limited value. At this time, owing to the advance of agriculture and other changes in the original conditions of the country, the United States is estimated to have less than 475,000,000 acres of forested lands or lands capable of producing commercial timber, which is about one-fourth the land surface of the country. The ownership of this potential forest



producing area is divided between government and private ownership as follows:

	Acres	Per cent
Privately owned	375,000,000	79.0
Federal Government	90,000,000	18.9
State Governments	9,000,000	1.9
Municipalities	400,000	.2
	<hr/> 474,400,000	<hr/> 100.0

An interesting fact in connection with the remaining supply of virgin timber is that it is largely located at considerable distance from the markets it supplies. Approximately half of the present amount of merchantable timber is located in five Pacific Northwest States while the principal lumber consumption area lies east of the Rocky mountains. In 1920 the government figured the average carload haul was 485 miles; the freight bill for lumber that year was reported at \$250,000,000. Few states in the Union produce sufficient lumber to meet the annual requirements of their people, so nearly all the people are beginning to feel the tremendous tax transportation of timber supplies entails. Practically the whole of the United States is facing increasingly inadequate supplies of timber with rapidly mounting costs.

Most of the States have remained inactive while their wealth of timber resources were being exhausted without constructive effort to provide for the conservation and reproduction of such resources. Only in recent years has much been attempted in the way of reforestation by the States and while all the states of the Union are today credited with having acquired about 9,000,000 acres for timber production, no state has worked out, in a final satisfactory manner, an equitable policy to encourage reforestation by private owners of lands suited to timber production of commercial value. Legislation providing for comprehensive forestry programs is now up for consideration in many of the timbered states. However, the procrastination on the part of the state governments to conserve their natural resources and provide for the replacement of the forest growth within their borders, eventually led the Federal Congress to inaugurate a National Forestry

Policy. This policy of the National Government includes not only the conservation of the timber on the public lands still owned by the National Government in the far western states, but the acquisition as well by the United States of lands in the different States that are found suitable to reforestation and co-operation in minimizing the timber loss in the several states from destructive fires; the Congress making available limited sums for allotments to the several states each year to be expended in connection with state funds for the like purpose of fire prevention. Under this policy to acquire timber lands in the different states the United States Government has up to the present time purchased approximately 1,400,000 acres in eight Southern States for the purpose of commercial reforestation, the states permitting by statute the establishment of such national forest areas.

#### The Situation in Texas.

Texas has been more backward in the conservation of its natural resources and its vast timber wealth in particular than most of the other states possessing a considerable timbered area. With an original forest of virgin pine approximating 14,000,000 acres, there now remains less than 1,500,000 acres; and it is estimated that at the rate of present lumbering operations practically the entire acreage of virgin pine forests in the State will be exhausted in the next ten or twelve years. The reproduction of timber of commercial value on the vast area that has been cut over, a great part of which is not considered suitable for any other purpose, has had but meagre encouragement from the State. Nine-tenths of the original Texas pine area of 14,000,000 acres has been cut over. Less than 2,000,000 acres of this cut-over area is supporting a second growth stand of pine, but much of this second growth timber is small and will not attain merchantable size within from 15 to 25 years. An additional million acres contains a sparse stand of young trees. It is estimated that the young timber now growing on the cut-over lands will produce less than one-third of the lumber used by Texas citizens today. The dissipation of these vast stores of building material under the exigencies of an ever quickening spirit

of commercial enterprise, without the establishment of some constructive policy by the State for timber conservation and reproduction in the public interest, represents a governmental dereliction destined to become colossal in the magnitude of its cost to the citizens of the State, and eloquent alike of the characteristic indifference of the American people toward the destructive waste of the great sources of wealth with which nature endowed our country, and of the lack of constructive foresight among the people in protecting their future economic well being. Facing devastated forests and the certainty of the early necessity of importing the larger part of the building material needed for homes and necessary commercial and industrial enterprise at high prices and heavy freight tariffs, our State Government has done little more than to make a gesture in the direction of reforestation of the cut-over areas unsuitable to other purposes than timber growing. While the Legislature in 1915 recognized our forestry problems, to the extent of creating a State Department of Forestry, operating under the supervision of the Agricultural and Mechanical College, the appropriations for the development of constructive forestry work have since that time been extremely limited and not at all commensurate with the importance of our forestry problems when considered in connection with our public welfare. With the meagre funds made available it has been possible for the State Department to maintain a skeleton forest fire prevention force in a portion of the cut-over areas; collect data on forest conditions and assist the farmers of Texas in connection with the management of farm woodlands or advisable tree planting. However, it has been out of the question to give adequate attention to the development of any line of forestry endeavor. The last Legislature appropriated \$20,000.00 for the purchase of 4,000 acres in the pine forest section to be used as demonstration tracts in the reproduction of pine timber on a commercial scale. But no attempt has been made by the State to provide conditions under which private citizens or private enterprise would find it practicable to undertake reforestation.

This unfortunate failure to provide conditions for the encouragement of timber reproduction is creat-

ing a situation more serious in its economic aspect and more threatening to our popular welfare than any other condition brought about through the social development and industrial growth of the State. We have yet to realize the seriousness of the problem of unused lands, and the fallacy of the all too commonly accepted belief that practically all our arable lands are capable of profitable agricultural employment, and that they will soon be required for such purposes. It would appear clearly evident, and is generally accepted by agricultural economists, that necessary increased production in agriculture will come in the future more from the intensive cultivation of the heavier and richer soils rather than from the increased acreage of thin and poor soils. As an evidence of this fact there are sections of the United States in which the agricultural area has actually decreased while production has increased. In the forest areas of Texas prosperous cities and towns have grown up, largely as a result of the wealth of commercial timber surrounding them. Prosperous cities and towns in the treeless plains and other parts of the State have also grown up assisted in their development in no small measure by the nearness of an apparently inexhaustible supply of building material at comparatively reasonable cost. The burden of idle forest lands is not a mere spectre to conjure our fears, but a reality that is already felt by a few states, and Texas has waited too long in its indifference to reforestation of timber areas unfitted to agricultural uses to wholly escape. Under our present tax laws, and under existing tax levies for various purposes, reforestation by private enterprise is a practicable impossibility. Those citizens disposed to reforest their land holdings are deterred by the uncertainty as to the taxes that may be imposed on growing crops of timber through the long series of years necessary to mature such crops.

So far this report has dealt with factors pertaining to the reforestation of the cut-over lands now largely idle. The Committee appreciates that other forestry problems are of material importance and should have consideration in a discussion of the forestry situation. The Texas farmers use more lumber than any other class of citizens and are, obviously,

interested in having the non-agricultural cut-over lands put to work producing future timber supplies. The farmers in the commercial timber belt of East Texas are, moreover, vitally concerned in forestry progress since they own 3,150,000 acres classed as forest land. In fact more than half of the land that has come back to second growth timber in East Texas is owned by farmers. The average farmer knows vastly more about growing and marketing his cotton, corn and livestock than he does about growing and marketing timber. The State is rendering assistance to the farmer along agricultural lines and should also assist the farmer in developing his forest property. Proper methods of forest management applied to the huge timbered acreage owned by the farmers will not only benefit the farmers themselves but will also be of distinct benefit to the public in that increased timber supplies from farmers woodlots will be available when the remaining virgin timber has disappeared. The Thirty-eighth Legislature recognized the importance of this work for the first time but provision should be made for increased support so that the field may be adequately taken care of. The farmers are also interested in the forest taxation proposals embodied in this report since any taxation provisions made by the State would apply to farm forests in the same manner as to reforestation projects embodying several hundred thousand acres.

Another distinct line of forestry work pertains to the encouragement of tree planting in the treeless agricultural portions of Texas. A survey of the treeless agricultural portions of the State shows that the farmers have done much less along the lines of planting groves and windbreaks than have the farmers of Kansas, Oklahoma, Nebraska and other plains states. Groves, properly located, will not only serve to shelter the farmstead in winter and provide shade during the summer months but will also produce usable wood material, such as posts, poles and fuel. The planting of windbreaks judiciously located to protect growing crops and orchards is advisable over large areas. Tree planting of this kind cannot help but enhance land values and make treeless regions a better and more comfortable environment in which to live. The State should foster tree planting of

this character in every way possible. Fifteen states have established state nurseries and are supplying seedling trees for grove windbreak planting at actual cost of production and the Committee would recommend to the Legislature a careful inquiry concerning the public usefulness of such a service in Texas.

#### Forestry Neglect Costly to the State.

Our forest resources have greatly increased the wealth of the State during past decades, upon them a huge lumber industry has been developed, employing thousands of citizens and representing an investment in excess of \$100,000,000.00. Forest industry has built up many towns and cities in the commercial timber-belt, stimulated the construction of railroads and highways, afforded a home market for the products of the farm, and contributed no small share of local and State taxes. Depletion of the State's timber supply and the increasing acreage of denuded unproductive lands in the forest areas will seriously affect the prosperity of that whole section of the State; enterprises will have to be abandoned, taxable valuations will decline, population will dwindle and from a prosperous section in the vanguard of public enterprise and public improvements, it must inevitably revert to an attitude of semi-dependence upon the other and more prosperous sections of the State for those improvements which are statewide in character and those expenditures in which the whole citizenship of the State share in common. Nor will the other sections of the State escape the direct influence of unproductive millions of acres of forest lands formerly the source of supply of necessary building material for all purposes. Diminished taxes from the wealth of timber products and the diversity of enterprise which such wealth has been instrumental in creating, and enormously increased costs of building material and freight charges will fall heavily upon every section if the State.

The burden of idle lands and the effect of denuding forest areas without provision for replacement of the timber necessary to carry on varied activities is forcibly illustrated by actual conditions in certain localities in the State of Michigan where the great wealth of white pine has been almost entirely exhausted. In six

representative cities in the agricultural portion of Michigan the average tax rate in 1919 was \$25.85 per \$1000.00 of assessed valuation. In nineteen representative cities in the devastated timber section the average tax rate for the same year was \$48.21; due more or less to obligations undertaken during the period of prosperity of the forested section. In 1919-20 in nine Michigan counties practically denuded of timber, the state tax levy was \$256,793; some counties failing to pay a considerable part of the tax, but the nine counties drew from state school funds alone \$295,020. The effect on distribution of population is strikingly illustrated in the history of a number of the states which exhausted their virgin forest areas at an earlier date than Texas. The original timber crop was harvested with no new growth to take its place and serve as a sustaining factor. The industries and enterprises originally built upon available supplies of wood, languished and failed while labor and capital were forced to seek new fields of employment.

Wood in its various forms is absolutely essential to our agricultural and industrial prosperity, and the country or the state which fails to conserve its timber resources and to provide for their reproduction is sowing the seeds of economic retribution. We need a broader perspective in our attitude toward the conservation of natural resources. Just as we shall in the not distant future be forced by considerations of our own welfare to realize the costly economic injury done to this generation by the failure to embody, in the original constitution of the State, provisions for the replenishment of our splendid forests as they were denuded of their original growth, we shall come to recognize an unquestioned responsibility for the use of these resources without negligent waste or wanton indifference to the future welfare of our country and its people. Patriotism must come to be considered not alone as love of country and pride in the preservation of the integrity of its institutions, political and social, but also as the protection and perpetuation of these great natural resources which provide the foundation for all industry, prosperity and contentment.

#### Factors Involved in a Forestry Policy.

The Committee is deeply sensible of the responsible duty of outlining a constructive policy for the conservation of the forest wealth of the State and the reproduction of forest growth upon those lands unsuited to other purposes than that of timber growing. We express our conclusions concerning plans to be recommended only after careful consideration of available information, public hearings in the commercial timber-belt and an examination of the experience of those countries and states which have made progress with the problem confronting us at this time.

There are three plans for reforestation of timber lands receiving the consideration of the different states at this time.

The first is the reforestation work of the Federal Government through acquisition of lands within the states, which policy is authorized by Congress and money for which is appropriated from time to time.

The second plan is for the acquisition of the deforested lands by the State, the purchase price of the lands being provided by appropriations from the general revenues, or by the issuance of long time bonds at low rates of interest, the bonds to be retired as the timber grown is cut from the land, the timber usually being marketed on the stump under conditions established by the State.

The third plan is to encourage private enterprise to undertake the restoration of timber growths upon the lands unsuited to or not needed for agricultural purposes.

These policies are to be found embodied in some form in the legislation of the different states that are fostering the restoration of their forest areas. Some of the states have expressed a willingness to have the Federal Government acquire National forests for the production of commercial timber within their borders, evidently moved by the thought that the example of reforestation methods practiced by the Federal Forest Service would prove an encouragement and inspiration to their citizens.

In most of the states the policy of acquiring lands for reforestation by the state is provided for on as liberal a scale as the popular sentiment

makes funds available for the purpose. In some States the purchase money is provided by appropriation, and in some by bond issue voted by the people. New York now has 1,990,000 acres in state forests and recently approved a bond issue of \$5,000,000.00 for the purchase of additional areas. Massachusetts, through bond issues, spends \$400,000.00 annually in the acquisition of state forest areas. The sentiment appears to have gained rather wide acceptance early in the consideration of reforestation policies that the reproduction of timber on a commercial scale on the non-agricultural lands was an enterprise involving so long a time that it was the prerogative and the duty of the state or the Federal Governments. However, the trend during the past decade in most timbered states has been towards the enactment of forest taxation legislation and needful public cooperation so as to permit and encourage private capital and interests to actively undertake the reforestation of the bulk of the timber growing lands now in private ownership. In view of the fact that 375,000,000 acres, or practically eighty per cent of the timber growing land of the Nation is now in private ownership a more speedy solution of the forest renewal problem will be secured provided state legislation is enacted making timber growing a feasible financial proposition for private capital.

The Committee appreciates that the long period required for maturing a timber crop is calculated to raise many obstacles of a different nature in the way of private citizens entering upon the reforestation of lands from which the timber has been cut, or lands suited to timber production. The first and paramount of the obstacles is the question of taxation. With lands that are dedicated to the production of a crop requiring thirty to fifty years to mature, it is readily seen that taxes at the rate levied on lands annually productive cannot be paid on the lands growing forest crops from which a smaller and deferred revenue is obtained. Under the present system of taxation as applied to crops of growing timber it would be impossible to figure with any degree of assurance upon the result of such an investment after meeting the full measure of state, county and local district tax demands for a long period of years. A tax rate adjusted to the nature of the investment is a

necessity and this can only be had through specific constitutional authority. Even where the tax problem is solved to a large extent by the provision for a special reasonable tax rate during the growing period, with a severance tax at the time of marketing as compensation for the deferred taxes, there still remain serious obstacles to the attractiveness and fullest success of private enterprise in reforestation projects. The death of the original owner dedicating the land to timber production, the breaking up of estates with consequent division and alienation of interests; and even in the case of corporate ownership; all these constitute problems which experience alone can best solve.

With a full realization of the gravity of the situation confronting the people of Texas through the depletion of their great forests so essential in home building and every enterprise contributing to the public welfare, the Committee feels that the State must in the discharge of a long deferred duty to the people, take steps at the earliest practicable date to inaugurate a policy of timber conservation and reforestation commensurate with the prospective needs of its rapidly increasing population and expanding commercial and industrial activities. Had a constructive policy of forest conservation been embodied in our organic law as long as fifty years ago, we should today occupy an enviable position with a source of great wealth increasing each year, rather than be confronted by a rapidly disappearing timber supply, millions of acres of deforested and practically idle timber lands, with a heavy tax upon our people in higher costs of building material and freight charges.

While the tardiness of the State in providing for forest reproduction will be seriously felt by our citizens, the Committee ventures to express the conviction that the situation in Texas may be, perhaps, less disturbing than that which is likely to develop in many of the other states of the Union. Under abundant rainfall and favorable climatic conditions the timber growth in the pine forest areas of Texas is comparatively rapid. Just as under intelligent methods of intensive agricultural production better results are obtained, so with judicious supervision, assuring a better distribution of trees to acreage, protection from fires and

insects, and from time to time the elimination of trees unsuitable for profitable use it is known that a greater acreage yield of merchantable stock will be secured than existed in the original forests. Our inquiries lead to the belief that the remainder of the virgin pine of East Texas will be practically exhausted in ten years at the present rate of milling. An early inauguration of a constructive reforestation policy by the State will produce considerable pine stumpage of useful size from second growth timber in twenty to thirty years, increasing in quantity as the years pass accordingly as the policy of reforestation adopted proves judicious in character.

The Committee is disposed to share the feeling that the inactivity on the part of the states of the Union in making provisions for the constructive preservation of the natural resources within their borders, has served to magnify in the popular mind the initiative of the Federal Government in such fields of legislation and economic betterment. This situation in turn has encouraged the Federal Government to assume responsibility and duties that are the proper function of the state governments. While the Federal law forming the basis of the Federal forestry policy contains provisions for the purchase of National Forest areas in the various timbered states, the Committee conceives that the main principle of this law contemplates the encouragement of the greatest possible participation in the reforestation problem by the states themselves and the owners of forest land. The Federal Government does not seek land ownership in the states except as such acquisition may be invited by action of the states themselves as expressed through legislative enactment. On the other hand, the Federal law makes greatly increased funds available for co-operation with the states in forest fire prevention work on State and privately owned forest land and for co-operative work with the states in assisting the farmer in the proper management of his woodland and in the encouragement of tree planting by the farmer in treeless agricultural regions. In addition the Federal law provides funds to be used in co-operation with state forestry departments in a thorough study of the forest taxation problems to the end that just and equitable forest taxa-

tion laws may be enacted in the various states under which it is hoped that the largest possible per cent of our timber growing land will be reforested and managed through private endeavor.

#### Recommendations for a Constructive Forestry Program.

After a careful consideration and study of the forestry situation, and the various economic factors involved, the committee herewith submits the following recommendations as a basis for a constructive forestry policy for Texas:

1. While appreciative of the co-operation of the Federal Government in conserving our timber resources and encouraging practical reforestation of our deforested lands, we firmly believe that the constructive and judicious basis of co-operation between the Nation and the State in forest protection and reproduction should be that which will leave the control of such co-operative operations to the State, and which will leave the ownership of all lands dedicated to reforestation to the State and its citizens.

2. We believe that, as a general proposition, the State should undertake to perform for its citizens only those things which the people cannot equally well do for themselves. However, the State should as soon as possible acquire such number of State Forest areas, each of sufficient size to permit of economical protection and administration as would answer the purpose of practical demonstration in forest renewal and management. Such demonstration forest farms or areas might very profitably embrace as much as 100,000 acres distributed as to character of timber growth. For this purpose the Legislature now possesses the necessary authority to make appropriations from the general revenues and if the acquisition is spread over a period of three to four years the sums called for would not be sufficiently large to necessitate an increase in the State tax rate. Should the State fail in the fulfillment of a public duty to provide suitable legislation to encourage private participation in reforestation on a large scale within the next few years, it seems inevitable in the opinion of the committee, that the popular thought will turn more and more to the sentiment for the State to acquire the

bulk of the idle cut-over lands through bond issues to be retired by revenues derived from the sale of timber on the State Forests.

3. Believing that a policy recognizing the fullest possible participation of our citizens in reforestation enterprises is the most judicious, we recommend such legislation as will make it feasible for private citizens and private capital to undertake the reproduction of timber upon the deforested lands of the State.

The first essential to bring this about is the adoption of a constitutional amendment authorizing the Legislature to provide by statute for a special system of taxation of lands dedicated by citizens to the growing of timber for commercial purposes. The legislation necessary to encourage private participation should comprise:

(a) A constitutional amendment adhering to the following form is suggested: "For the purpose of encouraging the conservation of the timber resources of the State and providing for the continuous production of a timber supply equal to the needs of the people in home building, farm requirements and the development of commerce and industry, the Legislature is empowered to enact just laws for the taxation of lands set aside to purposes of timber growing and for the supervision of such lands and the administration of such laws."

(b) A forestry code to be enacted under authority of the proposed constitutional amendment should provide for the creation of a non-salaried State Board of Forestry vested with authority to direct the work of the State Forester; to accept registration of lands dedicated by private owners to timber growing; to determine a just valuation of all such registered land for taxation; to prescribe regulations and determine the extent of public and private co-operation in the protection of said lands from fire; and if deemed essential, to readjust such valuations of registered lands for tax purposes at stated periods and when the timber is ready to market; to require the payment, by the owners of all such registered lands, of a severance or yield tax on a graduated scale. Such enabling act would necessarily provide for the collection of the deferred tax in the event lands dedicated to timber grow-

ing are sought to be withdrawn from the registration before maturity of the crop.

4. Pending the adoption of the constitutional amendment and the enactment of legislation so authorized, the existing State Forestry Department should be more adequately supported. Co-operative work in forest fire prevention and control is necessary to secure the reproduction of pine trees over large areas and to prevent the young pine timber from being destroyed. Making this vast area productive will be of distinct public benefit no matter who owns title to the soil. Greatly increased funds will be available for allotment to Texas by the Federal Government under the recently established Federal forestry program and private expenditures for forest protection are increasing from year to year. So far, the meagre State appropriations for forest protection have not been adequate to match all of the funds which the Federal Government stood ready to allot to Texas. The State should make available for the protection work a sum at least sufficient to match the fund the Federal Government is ready to designate for this purpose. The control of the fire nuisance will permit nature to reforest the bulk of the idle cut-over lands and is considered fundamental in any program of reforestation. Co-operative work along this line comprises the most effective and cheapest effort than can be made at this time to convert the non-idle cut-over areas from a menace to a productive asset.

The work already underway relative to assisting the timberland owning farmers and farmers in the treeless sections should be given increased recognition so that the productivity of farm woodlands may be increased and tree planting brought about on treeless farms.

In view of the serious insect infestation now affecting the remaining merchantable pine timber in East Texas, which has caused the death of 25,000,000 board feet of timber during 1924, the State should take steps to work out measures for the control of such injurious insects and make such information available to the timber owners.

In recommending reforestation by private owners of timber lands, the Committee recognizes the obstacles that will certainly be raised from time to time of continuity of owner-

ship of dedicated lands, and the division of estates and distribution of interests. This condition is calculated to cause the withdrawal of many tracts of lands from reforestation purposes. To minimize this difficulty as much as possible the committee would recommend that special effort be made to provide for financing timber growing projects, under registration with the State, through some form of long time loans at low rate of interest. It may be that the Federal Government can render the State valuable co-operation by such amendments to the Federal Farm Loan Act as will enable the National Government to carry loans on such timber growing lands under registration with the State.

Reforestation through private initiative and the investment of private capital will not be put on a proper basis until an amendment shall be adopted, and the Legislature shall have enacted an enabling statute in conformity therewith, thus giving the State a definite plan for the advancement of reforestation. The committee conceives this suggestion for the active participation by the citizens of the State in solving its timber supply problems to be in accord with the spirit that has developed the State to its commanding position in commerce and industry, and further needless delay in the establishment of such policy can only lead to the solution of this problem by the State assuming the entire responsibility.

The rather extended study that the duty imposed upon the committee has made necessary has proven exceedingly interesting, and its members conclude this report with the feeling that if the Legislature and the people shall translate its recommendations into law and practice, a great constructive State policy will have been established contributing to the greatness of the State and the welfare of its citizens in the years to come.

Respectfully submitted,

Senator I. D. Fairchild, Chairman, Lufkin; Senator E. E. Witt, Waco; Hon. F. H. Burmeister, Christine; Hon. Gary B. Sanford, Garrison; W. Goodrich Jones, Waco; R. W. Wier, Houston; Hon. Leonard Tillotson, Sealy; R. A. Gilliam, Dallas; F. H. Farwell, Orange; Mrs Ben F. Boydston, Greenville; Hon. W. L. Dean, Huntsville.

### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 198, A bill to be entitled "An Act fixing the salary of Superintendent of Public Instruction of McLennan County, and providing for the payment thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

WITT, Chairman.

Amend S. B. No. 198 by striking out Section of the same and substituting in lieu thereof, the following:

Section 1. That the salary of the Superintendent of Public Instruction of McLennan County, Texas, from and after the passage of this Act, shall not exceed the sum of thirty-six hundred dollars per annum."

Amend Section 2 of the bill by striking out the words "forty-eight," appearing in the fifth line of said section, and inserting in lieu thereof, the following: "not exceeding thirty-six."

Strike out the word "nine," appearing in the next to the last line of Section 2, and substitute the word "six."

Committee Room,  
Austin, Texas, Feb. 4, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 192, A bill to be entitled "An Act providing for permanent first grade certificates; providing for the employment of teachers who have been engaged ten years in teaching a special subject, without requiring that they have certificates; providing for the issuance of emergency certificates; providing for the issuance of permits to teach grades; making this Act cumulative of other laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.



## Committee Room.

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 107, A bill to be entitled "An Act to amend Section 2, Chapter 23, Acts of the Second Called Session of the Thirty-sixth Legislature, fixing a minimum portion of the thirty-five cent ad valorem school tax to be used for purchase and distribution of free textbooks, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

## Committee Room.

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 145, A bill to be entitled "An Act authorizing independent school districts meeting certain requirements provided herein to establish and maintain junior colleges offering two years of instruction beyond the high school grades; providing that such junior colleges shall be a part of the general public school system of this State; defining the scope of the colleges' work as provided for herein; vesting the control and management of such junior colleges in the boards of trustees of the school districts providing for their maintenance; prescribing the method for the establishment of such college work and the means by which it may be discontinued; validating certain junior colleges established prior to the passage of this Act; providing that independent districts establishing and maintaining collegiate work as prescribed in this Act may receive supplemental appropriations from the general funds of the State, prescribing the amount of such supplemental aid; making an appropriation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

## Committee Room.

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 258, A bill to be entitled "An Act to create the Anson Independent School District in Jones County, Texas, including therein the present Anson Independent School District, incorporated under the General Law; providing a board of trustees therefor, vesting said Anson Independent School District board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing for the validation of all contracts, bonds or other valid indebtedness and tax levies of the present Anson Independent School District, as the subsisting obligations and acts of the Anson Independent School District as created by this Act; providing for an election to determine as to the assumption of outstanding bonded indebtedness of territory hereby incorporated, as herein set out, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

## Committee Room.

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 257, A bill to be entitled "An Act creating the Roby Independent School District in Fisher County, Texas, setting for the metes and bounds of such district, providing a board of trustees therefor, and defining their powers; vesting such district with the rights, powers and duties of districts incorporated for free school purposes only under the General Laws of the State of Texas; providing for an election to assume the outstanding bonds of the present Roby Independent School District; providing for the authority to change the boundary lines of such district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 159, A bill to be entitled "An Act adding to and making a part of the Birome Independent School District of Hill County, Texas, certain lands and territory contiguous thereto, conferring upon the board of trustees of the said Birome District the authority and jurisdiction over such lands and territory and the inhabitants thereof as are prescribed in Chapter 22, Special Laws of Texas, passed by the Thirty-third Legislature, Regular Session, creating the Birome Independent District, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 195, A bill to be entitled "An Act to amend Chapter 107, Section 3, of the Local and Special Laws of the Thirty-fifth Legislature, regulating the method of taking or catching fish in the public fresh waters of Tom Green County, State of Texas, and providing penalties for violation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Ward, Chairman; Strong, Murphy, Stuart, Wood, Fairchild, Woodward.

(Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 14, A bill to be entitled "An Act to define and prohibit bucket shops and dealings therein; to provide for the organization of cotton exchanges, grain exchanges, boards of trade, or similar institutions; to regulate contracts of purchase or sale for future delivery of cotton, grain, stocks, or other commodities; to declare under what conditions such contracts shall be valid and enforceable; to prescribe penalties for the violation of this Act, and to repeal Articles 536 and 537 of Chapter 2, Title 11, and Articles 538 to 547, inclusive, being all of Chapter 3, Title 11, of the Revised Penal Code of the State of Texas, and all laws and parts of laws regulating or prohibiting dealings in future contracts."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Ward, Chairman; Strong, Murphy, Wood, Bledsoe, Fairchild.

Committee Room,  
Austin, Texas, Feb. 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 230, A bill to be entitled "An Act authorizing the sale to the United States of the American Legion Memorial Sanatorium of Texas, owned by the State of Texas and situated near the town of Kerrville in Kerr County, Texas, including the lands, buildings, improvements, equipment and appurtenants thereunto belonging, regulating the price at which same shall be sold; providing the proper portion of the funds realized from such sale shall be placed in the State Treasury and making proper disposition of the remainder; authorizing the proper instrument of conveyance to be executed, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed. S. B. No. 129 on same subject matter being printed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 214. A bill to be entitled "An Act making appropriations to pay the salaries of members and employes, and other maintenance expenses of the State Board of Pardon Advisers for eight-months period beginning January 1, 1925, and ending August 31, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DAVIS, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 236. A bill to be entitled "An Act making an emergency appropriation for the State Penitentiary System; restricting the use of said appropriation and providing that it shall not be used for certain purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Engrossed Bills, have had S. B. No. 154 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Engrossed Bills, have had S. B. No. 35 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Engrossed Bills, have had S. B. No. 123 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 130 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 133 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 218, carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 111 carefully examined and compared, and find the same correctly enrolled, and have this day at 11 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 108 carefully examined and compared, and find the same correctly enrolled, and have this day at 11 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 109 carefully examined and compared, and find the same correctly enrolled, and have this day at 11 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1925.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 186  
carefully examined and compared, and  
find the same correctly enrolled, and  
have this day at 11 o'clock a. m. pre-  
sented same to the Governor for her  
approval.

FLOYD, Chairman.

## TWENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, February 10, 1925.

The Senate met at 10 o'clock a. m.  
pursuant to adjournment, and was  
called to order by Lieutenant Gov-  
ernor Barry Miller.

The roll was called, a quorum being  
present, the following Senators an-  
swering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Bowers.

Prayer by the chaplain.

Pending the reading of the Journal  
of yesterday, the same was dispensed  
with on motion of Senator Davis.

## Petitions and Memorials.

The Chair had read to the Senate,  
numerously signed by dealers of Dal-  
las, protesting the passage of a bill  
placing additional tax on cigars.

## Simple Resolution No. 35.

By Senator Stuart:

Whereas, Senate Bill No. 169 which  
was finally passed in the Senate and  
has now gone to the House, contains  
nearly 100 printed pages; and

Whereas, Considerable time and ex-  
pense will be consumed if the State  
is required to reprint the bill; and

Whereas, There are now about 100  
extra copies of said bill in the hands  
of the Sergeant-at-Arms of the Senate;  
and

Whereas, The House Committee on  
Mining, Irrigation and Drainage, has  
voted same out and recommended that  
it be not printed with the request that  
the extra printed copies in the hands  
of the Sergeant-at-Arms in the Senate  
be distributed among the members of  
the House; therefore be it

Resolved, That the Sergeant-at-Arms  
of the Senate be instructed to deliver  
the extra copies of said bills which are  
now in his possession to the Sergeant-  
at-Arms of the House for distribution.

The resolution was read and  
adopted.

Morning call concluded.

## Senate Bill No. 64.

The Chair laid before the Senate, on  
third reading, as pending business  
from yesterday S. B. No. 64, known as  
the real estate bill.

The bill was read third time on yes-  
terday. The yeas and nays were  
called, and the bill was finally passed  
by the following vote:

Yeas—13.

Berkeley.	Real.
Bledsoe.	Reid.
Floyd.	Stuart.
Moore of Hunt.	Triplett.
Murphy.	Witt.
Parnell.	Wood.
Parr.	

Nays—10.

Bailey.	Moore of Cooke.
Davis.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Ward.
Miller.	Woodward.

Absent.

Fairchild.	Price.
Holbrook.	Russek.

(Pairs Recorded.)

Senator Lewis (present), who would  
vote nay; with Senator Bowers (ab-  
sent), who would vote yea.

Senator Pollard (present), who  
would vote yea; with Senator Wirtz  
(absent), who would vote nay.